

MINUTES – 13 MAY 2025



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 13 May 2025, commencing at 6:17pm.

PRESENT:

Mayor Leah Anderson
Cr Rosalyn Armstrong
Cr Giacomo Arnott
Cr Peter Francis
Cr Paul Le Mottee
Cr Ben Niland
Cr Mark Watson
Cr Jason Wells
General Manager
Director Community Futures
Director Corporate Strategy and Support
Director Facilities and Infrastructure
Governance Section Manager
Executive Administration Coordinator

ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION

001	Councillor Jason Wells Councillor Rosalyn Armstrong It was resolved that Cr Nathan Errington and Cr Chris Doohan be granted a leave of absence for the 13 May 2025 Ordinary Council meeting.
------------	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	<p>Cr Ben Niland declared a pecuniary conflict of interest in Item 1. The nature of the interest is Cr Niland has items stored in an adjacent property.</p> <p>Cr Paul Le Mottee declared a significant non-pecuniary conflict of interest in Item 1. The nature of the interest is the Le Mottee Group has clients that own land nearby.</p> <p>Cr Ben Niland declared a less than significant non-pecuniary conflict of interest in Item 2. The nature of the interest is Cr Niland knows at least 1 director and the proponent.</p> <p>Cr Mark Watson declared a less than significant non-pecuniary conflict of interest in Item 4. The nature of the interest being the New Life Community Relief is a sub-volunteer group of a sister church organisation that Cr Watson occasionally visits.</p> <p>Cr Watson advised there is no financial benefit and he believes there is enough separation.</p> <p>Cr Peter Francis declared a significant non-pecuniary conflict of interest in Item 4. The nature of the interest is Cr Francis is a member of the Lions Club of Raymond Terrace and a former member of the Committee of Management for Port Stephens FM.</p> <p>Cr Giacomo Arnott declared a significant non-pecuniary conflict of interest in Item 4. The nature of the interest is Cr Arnott is a member of Raymond Terrace Lions Club.</p>
--	---

MINUTES ORDINARY COUNCIL - 13 MAY 2025

	<p>Cr Jason Wells declared a significant non-pecuniary conflict of interest in Item 5. The nature of the interest is Cr Wells is an employee of the NSW Department of Education which is a recipient of funds.</p> <p>Cr Jason Wells declared a significant non-pecuniary conflict of interest in Item 7. The nature of the interest is Cr Wells is an executive member of a non-profit club that benefits from this policy.</p> <p>Mayor Leah Anderson declared a less than significant non-pecuniary conflict of interest in Item 9. The nature of the interest is Mayor Anderson is a Rotarian (Salamander Bay Rotary), but not a member of the Rotary Club of Medowie-Williamtown.</p>
--	--

002	<p>Councillor Jason Wells Councillor Peter Francis</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 8 April 2025 be confirmed.</p>
------------	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INDEX

SUBJECT

PAGE NO

MAYORAL MINUTES 14

1. MAYOR'S DIARY 15

MOTIONS TO CLOSE 19

1. MOTION TO CLOSE.....20

COUNCIL REPORTS..... 22

1. DEVELOPMENT APPLICATION (DA) 16-2024-134-1 FOR A 1 INTO 6 LOT TORRENS TITLE SUBDIVISION AT 3 INDUSTRIAL PLACE, MEDOWIE.....23
2. PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH50
3. PLANNING PROPOSAL - ANNA BAY EAST.....90
4. COMMUNITY SUPPORT FUND – ROUND 2.....120
5. ABORIGINAL PROJECTS FUND127
6. QUARTERLY BUDGET REVIEW TO 31 MARCH 2025132
7. POLICY REVIEW - BUS SHELTER POLICY146
8. POLICY REVIEW - CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY159
9. REQUEST FOR FINANCIAL ASSISTANCE169
10. INFORMATION PAPERS174

INFORMATION PAPERS 176

1. CASH AND INVESTMENT PORTFOLIO - MARCH 2025.....177
2. DESIGNATED PERSONS' RETURN.....187
3. DELEGATIONS REPORT.....188
4. COUNCIL RESOLUTIONS190

NOTICES OF MOTION 198

1. COUNCIL MEETING CYCLE.....199

CONFIDENTIAL 227

1. WILLIAMTOWN SAND SYNDICATE - PROPOSED LEASE FOR ACCESS228

DECLARATION OF INTEREST

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 1

Report title 1 into 6 for BA Industrial P.

Mayor/Councillor Niland declared a

Tick the relevant response:

<input checked="" type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I have items stored in adjacent owner property.

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

I will leave the room.

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at 6.34 pm.

Mayor/Councillor returned to the Council meeting at 6.42 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda Item No. No: 1

Report title DA for 3 INDUSTRIAL CLOS

Mayor/Councillor Le MoHee declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is Le MoHee
Group has clients that own land
nearby

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor left the Council meeting at 6:34 pm.

Mayor/Councillor returned to the Council meeting at 6:38 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 2

Report title 254 Tarean Rd

Mayor/Councillor Niland declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input checked="" type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I know family of the at least one director of the Proponent

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

I will leave the meeting.

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at 6:34 pm.

Mayor/Councillor returned to the Council meeting at 6:42 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 4.

Report title COMMUNITY SUPPORT FUND.

Mayor/Councillor CA. WATSON declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input checked="" type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is NEW LIFE COMMUNITY RELIEF
IS A SUB VOLUNTEER GROUP OF A SISTER CHURCH
ORGANISATION. THAT I OCCASIONALLY VISIT.

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

THERE IS NO FINANCIAL BENEFIT AND I BELIEVE THERE
IS ENOUGH SEPERATION

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor left the Council meeting at _____pm.

Mayor/Councillor returned to the Council meeting at _____pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 4

Report title Community Support Fund Round 7

Mayor/Councillor Peter Francis declared a

Tick the relevant response:

<input checked="" type="checkbox"/>	pecuniary conflict of interest
<input type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I am currently a member of the Lions Club of Raymond Terrace and a former member of the committee of Management Port Stephens FM

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at 6.59 pm.

Mayor/Councillor returned to the Council meeting at 7.05 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 4

Report title CSF

Mayor/Councillor Arnott declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is

B.T. Lions club member

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at 6.43 pm.

Mayor/Councillor returned to the Council meeting at 7.05 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 5Report title Aboriginal Projects FundMayor/Councillor Wells declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I am an employee of the NSW Department of Education which is a recipient of funds.

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____pm.

Mayor/Councillor left the Council meeting at 7.05 pm.Mayor/Councillor returned to the Council meeting at 7.06 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 7

Report title Policy Review Bus Shelter Policy

Mayor/Councillor Wells declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input type="checkbox"/>	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I am an executive member of a non-profit club that benefits from this policy.

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at 7.07 pm.

Mayor/Councillor returned to the Council meeting at 7.08 pm.

ORDINARY COUNCIL - 13 MAY 2025



Declaration of Interest form

Agenda item No. 9

Report title REQUEST FOR FINANCIAL ASSISTANCE

Mayor/Councillor ANDERSON declared a

Tick the relevant response:

<input type="checkbox"/>	pecuniary conflict of interest
<input checked="" type="checkbox"/>	significant non pecuniary conflict of interest
<input checked="" type="checkbox"/>	less than significant non-pecuniary conflict of interest

In this item. The nature of the interest is I AM A ROTARIAN, (SALAMANDER BAY
ROTARY)
BY NOT A MEMBER OF THE ROTARY CLUB OF
MEDOWIE - WILLIAMTOWN.

If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)

THE DONATION IS NOT GOING TO MY
ROTARY CLUB OF SALAMANDER BAY.

OFFICE USE ONLY: (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at _____ pm.

Mayor/Councillor left the Council meeting at _____ pm.

Mayor/Councillor returned to the Council meeting at _____ pm.

MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 25/103239
EDRMS NO: PSC2024-03152****MAYOR'S DIARY**

THAT COUNCIL:

- 1) Note the Mayoral appointments for the period from 9 April 2025 to 13 May 2025.
-

**ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

003	Mayor Leah Anderson Councillor Mark Watson It was resolved that Council note the Mayoral appointments for the period from 9 April 2025 to 13 May 2025.
------------	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the Mayoral appointments for the period 9 April to 13 May 2025.

This Mayoral Minute aims to inform the Council and community of the key engagements of the Mayor for the preceding period. This is an initiative I wanted to introduce this term to provide a clear record of the engagements undertaken through the Mayoral office.

9 April 2025

- Meeting with Newcastle Herald representative.
- Filmed Council meeting debrief.

10 April 2025

- Attended Hunter Joint Organisation Board meeting and workshop at Cessnock.
- ABC Radio interview re Birubi shuttle bus trial.

11 April 2025

- Salamander Bay Town Centre Place Plan meeting.

14 April 2025

- Hume Housing media event, Raymond Terrace.

15 April 2025

- ABC Radio interview re Federal election priorities.
- Meeting with Wahroonga Aboriginal Corporation.
- Meeting with Tilligerry Community Association.
- Catchup with Facilities and Infrastructure staff.
- Catchup with the Executive Team.
- Meeting with Institute of Public Works Engineering Australasia.
- Two Way Conversations:
 - Follow up from 8 April 2025 Council meeting
 - Finance Update
 - Council Chambers Refurbishment and Technology Update
 - Planning Proposal Update
 - Comprehensive Development Control Plan
 - Comprehensive Amendment to the Port Stephens Infrastructure Contributions Plan and AGL Tomago Battery Voluntary Planning Agreement

16 April 2025

- Filmed video of Fingal Bay foreshore works and Community Satisfaction Survey.
- Attended Rivergum Grandparents as Parents Group Easter Family Fun Day.
- Meeting re NBN Investment across Port Stephens region.
- Cr Errington sport announcement at Lakeside.
- Communications and Engagement Advisory Group meeting.

17 April 2025

- Site inspection – Salamander Bay.
- Battle of the Arts – Youth Week 2025.

22 April 2025

- Meeting with Hunter Community Alliance representatives.
- Catchup with the Executive Team.

23 April 2025

- Photo opportunity with Minister for Tourism, Nelson Bay.
- Fern Bay community meeting.

24 April 2025

- Newcastle Airport tour with Minister for Tourism.
- Attended Tomaree Residents and Ratepayers Association meeting.

25 April 2025

- Participated in the following ANZAC Day events:
 - Dawn Service, Nelson Bay
 - Wests Diggers Breakfast, Nelson Bay
 - Main Service, Raymond Terrace

28 April 2025

- Catchup with Communications staff.
- Site inspection – Salamander Bay.

29 April 2025

- MGA Thermal Demonstration Unit announcement, Tomago.
- Catchup with Facilities and Infrastructure staff.
- Catchup with the Executive Team.
- Raymond Terrace Town Centre Development meeting.
- Councillors' Workshop catchup session.

30 April 2025

- Visited SES Unit at Corlette.

1 May 2025

- ABC Radio interview on recent weather events.
- Presented at the Combined Leadership Team Workshop.

2 May 2025

- Newcastle Airport Pty Ltd and Greater Newcastle Aerotropolis Board meetings.
- West Ward road inspection.

3 May 2025

- Port Stephens Netball – official season opening.

5 May 2025

- Catchup with Communications staff.

6 May 2025

- Site inspection – Salamander Bay.
- Catchup with the Executive Team.
- Meeting with Tilligerry Habitat.
- 112 Adelaide Street, Raymond Terrace update.
- Meeting with Newcastle Game Fishing Club representatives.

7 May 2025

- Catchup with the General Manager.
- Monthly Mayor meetings – Fingal Bay and Salamander Bay.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

8 May 2025

- Council Pop Up – Salamander Place Plan.

9 May 2025

- Country Mayors' Association meeting, Parliament House, Sydney.

10 May 2025

- Attended Girl Guides High Tea, Williamtown.

12 May 2025

- Tomaree Community Connect Week.
- Newcastle Airport International Terminal tour and media event.
- Catchup with the General Manager.
- Catchup with Communications staff.
- Meeting with community members - placement of artist's map of Medowie.

13 May 2025

- Port Stephens Business meet and greet, Taylors Beach.
- Catchup with Facilities and Infrastructure staff.
- Catchup with the Executive Team.
- Councillor Briefings:
 - Hunter Joint Organisation
 - Pre-Council briefings
- Public Access and Ordinary Council meeting.

ATTACHMENTS

Nil.

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 25/94267
EDRMS NO: PSC2008-3848**

MOTION TO CLOSE

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Williamtown Sand Syndicate – Proposed Lease for Access**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

004	<p>Councillor Paul Le Mottee Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Williamtown Sand Syndicate – Proposed Lease for Access.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
------------	--

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Ben Niland left the meeting at 6:34pm.
Councillor Paul Le Mottee left the meeting at 6:34pm.

ITEM NO. 1

FILE NO: 25/24534
EDRMS NO: 16-2024-134-1

DEVELOPMENT APPLICATION (DA) 16-2024-134-1 FOR A 1 INTO 6 LOT TORRENS TITLE SUBDIVISION AT 3 INDUSTRIAL PLACE, MEDOWIE

REPORT OF: RYAN FALKENMIRE - DEVELOPMENT AND COMPLIANCE
SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2024-134-1 for a 1 into 6 lot Torrens title industrial subdivision at 3 Industrial Place, Medowie (Lot: 12 DP 813265) subject to the conditions contained in **(ATTACHMENT 1)**.

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

005	<p>Councillor Jason Wells Councillor Peter Francis</p> <p>It was resolved that Council approve Development Application DA No. 16-2024-134-1 for a 1 into 6 lot Torrens title industrial subdivision at 3 Industrial Place, Medowie (Lot: 12 DP 813265) subject to the conditions contained in (ATTACHMENT 1).</p>
-----	--

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to present a development application (DA) to Council for determination.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

A summary of the DA and property details is provided below:

Subject Land:	3 Industrial Place Medowie LOT: 12 DP: 813265
Total Area:	54,754m ²
Zoning:	E4 GENERAL INDUSTRIAL
Submissions:	Nil
Housing:	0 new dwellings
Key Issues:	Vegetation removal and road design

The DA has been reported in accordance with Council's 'Planning Matters to be Reported to Council Policy' Section 5(e) as the DA is proposed on Council owned land with a cost of works over \$250,000. Council's Strategic Property Unit are the applicant for the DA.

A locality plan is attached (**ATTACHMENT 2**).

Proposal

The proposed development involves:

- 1 into 6 lot Torrens title subdivision resulting in 5 industrial lots and 1 residual lot supporting existing vegetation
- The 5 industrial lots range in size between 2,182m² and 2,899m², with the residual lot having an area of 3.4ha
- Earthworks comprising 1,163m³ of cut and 2,081m³ of fill
- Road construction
- Vegetation removal
- Construction of stormwater infrastructure
- Landscape/revegetation planting.

Site Description and History

The subject site (the 'site') is located at 3 Industrial Place, Medowie, which is legally identified as Lot 12 DP 813265. The site is generally a rectangular shaped parcel with mostly level topography. The site has an area of 5.5ha, adjoins Ferodale Sporting fields to the east, industrial buildings to the west, and landscape supplies, Ambulance Station, and large residential lots to the north. There is an existing road access to the site from Industrial Place.

There is a large densely vegetated area that is mapped under the Biodiversity Values Map and as Core Koala Habitat towards the south of the site, with an area mostly clear of vegetation towards the north of the site. The site contains a 15m wide Asset Protection Zone along the western boundary.

Key Matters for Consideration

Vegetation Removal

A Biodiversity Development Assessment Report (BDAR) was submitted as part of the DA to assess the biodiversity impacts of the proposed development in accordance with the requirements of the Biodiversity Conservation Act 2016. The proposed development includes the removal of 0.68ha of native vegetation, although the works are not considered to adversely impact the natural environment or local biodiversity as detailed in the Planner's Assessment Report (**ATTACHMENT 3**).

The proposed removal of 0.68ha of native vegetation was supported by Council's Natural Systems Section, subject to the implementation of site minimisation measures and the retirement of Biodiversity Offset Credits, along with koala feed tree supplementary planting. The remainder of the vegetation was identified as being non-native.

No ecological communities or species within the impact area were identified as an entity at risk of a serious and irreversible impact (SAII).

The proposed development has demonstrated avoidance and minimisation of ecological impacts by locating the development footprint largely outside of areas of high value ecological condition and preferred koala habitat. To further mitigate impacts, the requirement to prepare a Vegetation Management Plan (VMP) has been recommended as a condition to ensure that residual Lot 6 will continue to be managed and protected along with vegetated areas that are of lower ecological value to be restored.

Road Design

The proposed subdivision includes an access handle from the existing road stub in Industrial Place. The road geometry is not strictly compliant with Council's Infrastructure Specification. Notwithstanding, the development proposes 'NO STOPPING' signage on both sides of new road, a speed limit of 50km/h, a reduced verge between 4m and 3.5m, and parking being facilitated on the resulting lots. The reduced road width has been proposed to minimise vegetation removal and impacts to local biodiversity. The reduced road width was supported by Council's Development Engineering Section.

Conclusion

As detailed in the Planner's Assessment Report (**ATTACHMENT 3**), the development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site.

It is considered that the development has been suitably designed to address the site constraints and despite the proposed variation to the Port Stephens Local

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Environmental (PSLEP) relating to the height of buildings development standard, the objectives of this clause are achieved.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act), the Environmental Planning and Assessment Regulation 2021, relevant State Environmental Planning Policies, the Port Stephens Local Environmental Plan 2013, and the Port Stephens Development Control Plan 2014.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Low	Accept the recommendation.	Yes
There is a risk that if the DA is approved, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development is a new industrial subdivision that would provide industrial lots to service the needs of the community. This is consistent with the Medowie Planning Strategy, which noted that the industrial zoned land at Abundance Road would be needed in the future to meet the demand for light industrial land in the area.

The industrial subdivision would allow for the use of existing services and facilities in the locality and provide upgrades to the public domain. The construction of the proposed development would provide employment opportunities in the locality and support the local building and development industries. This would have direct monetary input to the local economy, and the increased number of employees in the locality would provide ongoing economic input through utilising day to day goods and services. There are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

The development would reinforce the industrial nature of the locality and is characteristic of other developments in both the local and wider community. The application includes relevant construction methods and services such as an on-site stormwater management system that would prevent adverse impacts on adjoining properties. The development addresses the street and provides logical and convenient connections to the road network in the locality. There are no anticipated adverse impacts on the built environment as a result of the development.

Impacts on the Natural Environment

The development would not adversely impact the natural environment of the area. Whilst the proposed development requires the removal of native vegetation, it also seeks to retain areas of highest condition and preferred koala habitat on the site. To further mitigate impacts, the requirement to prepare a Vegetation Management Plan (VMP) has been recommended in a condition to ensure that the residual Lot 6 will continue to be managed and protected and areas that are of lower ecological value improved.

In addition, the proposed development includes a stormwater water system that has been designed in accordance with Council's quantity and quality requirements. Further, a condition of consent has been recommended that requires the installation and maintenance of erosion and sedimentation controls.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	<p>The DA was on public notification for 14 days from 11 April 2024 to 9 May 2024. During this period, 0 submissions were received.</p> <p>The development is located within the Hunter Water Special Area and therefore was referred to the Hunter Water Corporation under the Hunter Water Act 1991. Water quality matters associated with the Hunter Water referral have been addressed through the recommended conditions contained in (ATTACHMENT 1).</p> <p>As the proposed development involves construction of underground electricity supply and works near electrical assets, the application was referred to Ausgrid in accordance with the State Environmental Planning Policy (Transport and Infrastructure) 2021. Ausgrid has reviewed the DA and raised no objection subject to conditions. These recommendations have been included as conditions of consent.</p>
---------	--

Council-related Development Applications

To satisfy Section 66A of the EP&A Regulations 2021, Council has considered the adopted conflict of interest policy in the assessment of this application. A Conflict of Management Statement was notified with the application.

Internal communications and engagement

- Strategy and Environment Section.
- Assets Section.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Conditions of Consent.
- 2) Locality Plan.
- 3) Planner's Assessment Report. (Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

All information relating to this development application (DA) is available on the Councillors' Dashboard.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.
RECOMMENDED CONDITIONS OF CONSENT
General Conditions

1.

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
220294	B	Plan of Subdivision	Barker Ryan Stuart	12/08/2024
220924-01-021	F	General Arrangement Plan	Barker Ryan Stuart	07/02/2025
220924-01-101	F	Road and Stormwater Design	Barker Ryan Stuart	07/02/2025
220924-01-111	F	Bulk Earthworks Plan	Barker Ryan Stuart	07/02/2025
220924-01-501	F	Drainage Layout Plan	Barker Ryan Stuart	07/02/2025

Approved documents

Document number	Revision number	Plan title	Drawn by	Date of plan
220924	D	Stormwater Management Report	Barker Ryan Stuart	6/11/2024
PSC1	Final v3.0	Biodiversity Development Assessment Report	Narla Environmental	10/12/2024
12913	-	Preclearance Survey Report	Wildthing Environmental Consultants	09/12/2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2.

Sign on Building

Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p>Condition reason: To require signage that details the relevant contacts of a development during construction</p>
3.	<p>Tree removal and protection of existing vegetation</p> <p>Removal of existing vegetation approved for removal by this consent is not to occur until the issue of a Subdivision Works Certificate.</p> <p>No vegetation or natural landscape features other than that authorised for removal by this consent is to be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.</p> <p>Condition reason: To ensure that vegetation is protected during works.</p>
4.	<p>Vegetation Removal</p> <p>The vegetation within the Subject Land, as identified on Figure 12 of the BDAR prepared by Naria Environmental, dated December 2024, is approved for removal. No other vegetation is approved for removal.</p> <p>Condition reason: To ensure that the development retains/prunes and replaces specific tree plantings.</p>
5.	<p>Protect Existing Vegetation and Natural Landscape Features</p> <p>Approval to remove existing vegetation for removal is not to occur until the issue of the Subdivision Works Certificate.</p> <p>All native vegetation within the Subject Property/Study Area as identified on Figure 12 of the approved BDAR, except for that approved for removal under Condition 4 of this Consent, must be retained.</p> <p>Condition reason: To ensure that vegetation removal does not occur until the issue of a subdivision works certificate.</p>
6.	<p>Habitat Tree Removal</p> <p>Removal of approved vegetation must be supervised by a suitably qualified and experienced fauna ecologist.</p> <p>If the ecologist identifies any threatened species inhabiting a tree flagged for removal, all clearing works shall cease and the animal given 24 hours to vacate. If the animal has not vacated within this time, a plan for the relocation of the animal shall be developed by the ecologist.</p> <p>Clearing of any habitat trees identified on the approved 'Hollow Bearing Tree Map' must involve soft-felling techniques which are to be implemented under the supervision of the ecologist.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	Documentary evidence of the clearance supervision works must be provided to Council's Natural Systems Section prior to issuing of the Subdivision Certificate.
	Condition reason: To ensure that habitat trees are appropriately removed.
7.	External agency approvals
	The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.
	The Requirements are:
	1. Ausgrid, reference number 1900128085, dated 19 April 2024
	A copy of the Requirements is attached to this determination notice.
	Condition reason: To ensure that development is carried out in accordance with the requirements from other agencies.
8.	Outdoor Lighting
	Any new and existing outdoor lighting must comply with Appendix A of the Department of Climate Change, Energy, the Environment and Water 'National Light Pollution Guidelines for Wildlife' (2023) to minimise lighting impacts to fauna species, particularly the koala.
	Condition reason: To ensure lighting does not negatively impact fauna species, particularly the Koala.

Before issue of a subdivision works certificate

9.	Subdivision works certificate required
	In accordance with the provisions of Section 6.13 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
	<ul style="list-style-type: none"> a) A Subdivision Works Certificate has been issued by a Consent Authority; b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and c) The PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
	Condition reason: To clarify that a Subdivision Works Certificate is required.
10.	Civil Engineering Plans
	Civil engineering plans prepared by a qualified Civil Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, and water quality and quantity facilities including stormwater detention and

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.</p> <p>All references to Industrial Place that do not refer to this road as Industrial Place, must be amended to correctly refer to Industrial Place.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the Roads Act 1993, only the Roads Authority can approved commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure civil works are carried out in accordance with the approved plans and Council's Infrastructure Specifications.</p>
11.	<p>Erosion and sediment control plan</p> <p>Prior to issue of a Subdivision Works Certificate an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <p>a) The guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) as amended from time to time.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
12.	<p>Roads Act Approval</p> <p>For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, and stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the <i>Roads Act 1993</i>.</p> <p>Condition reason: To ensure any works proposed on verge/footpath/public road get the appropriate approval.</p>
13.	<p>Stormwater/Drainage plans</p> <p>Detailed stormwater drainage plans must be prepared by a suitably qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approved commencement of works within an existing road reserve.</p> <p>Condition reason: To ensure adequate stormwater and drainage plans are prepared prior to certification.</p>
14.	<p>Construction Site Management Plan</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Before the issue of a Subdivision Works Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> a. The location and materials for protective fencing and hoardings on the perimeter of the site; b. Waste management and disposal; c. Provisions for public safety; d. Pedestrian and vehicular site access points and construction activity zones; e. Details of construction traffic management including: <ul style="list-style-type: none"> i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; f. Details of bulk earthworks to be carried out; g. The location of site storage areas and sheds; h. The equipment used to carry out works; i. The location of a garbage container with a tight-fitting lid; j. Dust, noise and vibration control measures; k. The location of temporary toilets; l. Protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain (if applicable); m. The mitigation measures outlined in <i>Table 20</i> of the approved Biodiversity Development Assessment Report prepared by Narla Environmental Pty Ltd, dated December 2024; n. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites. <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p> <p>Condition reason: To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>
15.	<p>Vegetation Management Plan</p> <p>Prior to the issue of a Subdivision Works Certificate, a Vegetation Management Plan (VMP) must be prepared for the vegetation within the Subject Property/Study Area as identified on Figure 12 of the BDAR prepared by Narla Environmental, dated December 2024 (proposed Lot 6), excluding the vegetation that is approved for removal under condition 4 of this consent.</p> <p>The VMP should include clear management objectives, a schedule of works and maps. The VMP is to be prepared and commenced prior to the commencement of works on the site.</p> <p>The VMP must be prepared by a suitably qualified Environmental Consultant and must be submitted to Council for approval prior to any clearing works occurring on site.</p> <p>Condition reason: To ensure a VMP is prepared for the retained vegetation on the site.</p>
16.	<p>Ecosystem and species credit retirement</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

The class and number of Ecosystem and Species Credits outlined in the following tables must be retired to offset the residual impacts of development prior to the issue of a Subdivision Works Certificate.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits or number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Ecosystem Credits:

Impact plant community type	No. of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1626-Smooth-barked Apple - Broad-leaved Mahogany - Red Bloodwood heathy low open forest on hills at Nelson Bay	6	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. Or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Hunter-Macleay Dry Sclerophyll Forests This includes PCT's: 715, 904, 922, 1178, 1215, 1588, 1589, 1590, 1591, 1592, 1593, 1600, 1601, 1602, 1608, 1612, 1626, 1748, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 4157, 4158
1598-Forest Red Gum grassy open forest on floodplains of the lower Hunter	8	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. Or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Hunter Lowland Redgum Forest in the Sydney Basin and New South Wales North Coast Bioregions This includes PCT's: 1591, 1598, 1603, 1605, 1691, 1692, 1749, 3328, 3446, 3634

Species Credits:

Impacted species credit	Number of species credits	IBRA sub-region
<i>Burhinus grallarius</i> / Bush Stone-curlew	8.00	Any in NSW

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

<i>Petauroides volans</i> / Southern Greater Glider	15.00	Any in NSW
<i>Petaurus norfolcensis</i> / Squirrel Glider	15.00	Any in NSW
<i>Phascogale tapoatafa</i> / Brush-tailed Phascogale	15.00	Any in NSW
<i>Phascolarctos cinereus</i> / Koala	15.00	Any in NSW
<i>Planigale maculata</i> / Common Planigale	15.00	Any in NSW
Condition reason: To ensure the required ecosystem and species credits are retired prior to the issue of a subdivision works certificate.		

Before subdivision work commences

17.	Notice Commencement of Work
	<p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) The name and address of the person; b) A description of the work to be carried out; c) The address of the land on which the work is to be carried out; d) The Registered numbers and date of issue of the development consent and construction certificate; e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and f) The date on which the work is intended to commence. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>
18.	Notice of Principal Certifying Authority Appointment
	<p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> a) A description of the work to be carried out; b) The address of the land on which the work is to be carried out; c) The Registered number and date of issue of the relevant development consent; d) The name and address of the Principal Certifier and the person who appointed the principal certifier; e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> i) The certifier's registration number, and ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and iii) A telephone number on which the certifier may be contacted for business purposes. <p>The notice must be lodged on the NSW Planning Portal.</p> <p>Condition reason: To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p>
19.	<p>Damage report – Public Infrastructure</p> <p>The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.</p> <p>Condition reason: To ensure that the applicant notifies Council of any existing damage to public infrastructure within the vicinity of the development.</p>
20.	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
21.	<p>Rubbish Generated from the Development</p> <p>Prior to subdivision work commencing, where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p>Condition reason: To ensure that construction waste is appropriately stockpiled and removed from the site.</p>
22.	<p>Site is to be secured</p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings associated with securing the site during construction is to be removed upon the completion of works.</p> <p>Condition reason: To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.</p>
23.	<p>All Weather Access</p> <p>Before any site work commences, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p>Condition reason: To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>
24.	<p>Tree / Biodiversity Protection Measures</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection measures and biodiversity protection detailed in this consent are in place.</p> <p>Condition reason: To ensure tree protection measures are in place prior to the commencement of works.</p>
25.	<p>Weed management</p> <p>Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.</p> <p>The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.</p> <p>Condition reason: To ensure that weeds are appropriately contained and removed from the site.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

During work

26.	Discovery of relics and Aboriginal objects
	<p>While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. The work in the area of the discovery must cease immediately; b. The following must be notified – <ul style="list-style-type: none"> i. For a relic – the Heritage Council; or ii. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85. <p>Site works may recommence at a time conformed in writing by:</p> <ul style="list-style-type: none"> a. For a relic – the Heritage Council; or b. For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85
	Condition reason: To ensure the protection of objects of potential significance during works.
27.	Responsibility for changes to public infrastructure
	<p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p>
	Condition reason: To ensure payment of approved changes to public infrastructure.
28.	Tree protection during work
	<p>Protection of trees to be retained must be in accordance with AS4970 'Protection of Trees on Development Sites' and the following:</p> <ul style="list-style-type: none"> a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed, or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
	Condition reason: To protect trees during the carrying out of site work.
29.	Waste management
	<p>While site work is being carried out:</p> <ul style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>2. upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following:</p> <ol style="list-style-type: none"> The contact details of the person(s) who removed the waste; The waste carrier vehicle registration; The date and time of waste collection; A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; The address of the disposal location(s) where the waste was taken; The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>
30.	<p>Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>7:00am to 5:00pm on Monday to Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area</p>
31.	<p>Unexpected Finds Contingency (General)</p> <p>Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.</p> <p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p> <p>Condition reason: To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements</p>
32.	<p>Excavations and Backfilling</p> <p>All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>or property, and in accordance with the design of a suitably qualified Structural Engineer.</p> <p>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:</p> <ul style="list-style-type: none"> a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate. <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p>Condition reason: To ensure that any Acid Sulfate Soils encountered during works are suitably managed</p>
33.	<p>Offensive noise, dust, odour, and vibration</p> <p>No work must not give rise to offensive noise, odour, or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p>Condition reason: To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>
34.	<p>Tree Removal/Pruning</p> <p>All approved tree removal is subject to works being undertaken by a qualified Arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.</p> <p>Condition reason: To ensure that vegetation removal/pruning is undertaken by a qualified arborist and in accordance with the Australian Standard.</p>
35.	<p>Weed Management</p> <p>All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water.</p> <p>An area for storage of contaminated soil that is separate from clean material shall be provided during construction.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Condition reason: To ensure that all machinery that has operated in affected areas shall be cleaned prior to leaving the site and wash down areas are maintained in accordance with the NSW Biosecurity Act 2015.</p>
36.	<p>Toilet facilities</p> <p>Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p> <p>Condition reason: To ensure adequate amenity facilities are provided to the site during construction.</p>
37.	<p>Nest Boxes</p> <p>During Subdivision Works, hollows from any felled habitat trees, as identified on <i>Figure 1</i> of the approved 'Hollow Bearing Tree Map', must be salvaged and installed into retained trees within proposed Lot 6.</p> <p>Any hollows which are unable to be salvaged must be replaced with artificial hollows or nest boxes at a ratio of 1:2. These shall be installed by a suitably qualified and experienced consultant and maintained for a period of 5 years.</p> <p>Salvaged and artificial hollows shall be constructed to a standard consistent with Councils <i>Biodiversity Technical Specification 2024</i> and be a similar size and height off the ground as the hollows removed.</p> <p>Condition reason: To ensure that hollows are salvaged and installed into the required areas and done in accordance with the relevant requirements</p>
38.	<p>Placement of fill</p> <p>Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p>Condition reason: To ensure that fill required for a development is managed in accordance with Council requirements.</p>
39.	<p>Cut and fill</p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA</p>
	<p>Condition reason: To ensure that all imported and/exported fill is VENM.</p>
40.	<p>Site Management Plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction and site management plans and the erosion and sediment control plan are implemented at all times.</p> <p>The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste</p>

Before issue of a subdivision certificate

41.	<p>Section 88B Instrument</p> <p>Prior to the release of a subdivision works certificate, the applicant must prepare a Section 88B Instrument which incorporates the following easements, positive covenants and restrictions to user where necessary:</p> <p>a) A public positive covenant requiring the vegetation within the <i>Subject Property/Study Area</i> as identified on <i>Figure 12</i> of the BDAR prepared by Narla Environmental, dated December 2024, excluding the vegetation that is approved for removal under condition 4 of this consent (proposed lot 6), to be maintained, for a period of 5 years, in accordance with the VMP developed under condition 14 of this consent.</p> <p>Condition reason: To ensure that specific easements and/or restrictions are imposed on the Section 88B instrument in accordance with the relevant consent.</p>
42.	<p>Requirement for a Subdivision Certificate</p> <p>The application for a Subdivision Certificate(s) must be made in accordance with the requirements of Section 54 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Section 6.33(1) Environmental Planning and Assessment Act 1979.</p> <p>The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent 16-2024-134-1, and of compliance with the relevant conditions, prior to the issuing of a Torrens Plan of Subdivision.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>In addition, signed original copy of the original plans and/or documents, and final plan of survey/title, must be submitted to Council. A USB containing an electronic copy of all relevant documents must also be provided.</p> <p>Condition reason: To enable the subdivision, boundary adjustment or lot consolidation of land and ensure compliance with the relevant development consent.</p>
43.	<p>Services</p> <p>Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:</p> <ul style="list-style-type: none"> a) Electricity. b) Water. c) Sewer. <p>Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.</p> <p>Condition reason: To ensure that evidence of connection of services is provided to Council.</p>
44.	<p>Hunter Water Corporation approval</p> <p>A Section 50 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.</p> <p>Condition reason: To ensure appropriate Hunter Water Corporation approval is received prior to issue of the Subdivision Certificate</p>
45.	<p>Surveyor's Report</p> <p>A certificate from a Registered Surveyor must be provided to the Principal Certifying Authority, certifying that all drainage lines have been laid within their proposed easements.</p> <p>Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.</p> <p>Condition reason: To confirm location of drainage lines and ensure that no services or access ways encroach the lot boundaries, unless suitability provided for by easements.</p>
46.	<p>Subdivision Certificate</p> <p>The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Works As Executed Plans must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications and approved plans.</p> <p>Condition reason: To ensure the development has satisfied the required conditions of consent in the relevant development consent to release the subdivision certificate.</p>
47.	<p>Show Easements / Restriction on the Plan of Subdivision</p> <p>The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.</p> <p>Condition reason: To ensure that all existing easements and/or restrictions on the use of land are shown on the final plan of subdivision.</p>
48.	<p>Burdened lots to be identified</p> <p>Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.</p> <p>Condition reason: To ensure that all lots which have been identified as requiring restrictions or easements are suitably burdened.</p>
49.	<p>Street Address</p> <p>Prior to Subdivision Certificate Release, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details.</p> <p>Condition reason: To ensure that the lots are appropriately named and have addressing prior to a subdivision certificate being released.</p>
50.	<p>Bushfire Prone Land</p> <p>The site is located within a bushfire prone area. Certification from an by a NSW suitability qualified Bushfire Consultant must be provided to certify that the development complies with:</p> <p>a) The latest version of NSW Rural Fire Service publication "Planning for Bushfire Protection 2019".</p> <p>Condition reason: To ensure that subdivision is carried out in accordance with Planning for Bushfire Protection 2019.</p>
51.	<p>Nest Box Certification</p> <p>Prior to the issue of a subdivision certificate, documentary evidence of salvaged hollow, artificial hollow and nest box installation, as required under condition 36 of this Consent, must be provided to and approved by Council's Natural Systems Team.</p>

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Documentary evidence of the clearance supervision works approved under conditions 4 & 5 must be provided to Council's Natural Systems Section prior to issuing of the Subdivision Certificate.</p> <p>Condition reason: To ensure hollows are salvaged and nest boxes are installed.</p>								
52.	<p>Stormwater/drainage works</p> <p>Before the issue of a subdivision certificate, all stormwater and drainage works required to be undertaken in accordance with this consent must be completed.</p> <p>The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.</p> <p>Condition reason: To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.</p>								
53.	<p>Completion of Roads Act Approval Works</p> <p>Before the issue of a subdivision certificate, all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.</p> <p>Condition reason: To ensure that the developer constructs a footpath crossing with the relevant S138 Approval.</p>								
54.	<p>Section 7.12 development contributions</p> <p>A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979 and the Port Stephens Local Infrastructure Contributions Plan 2020, related to the cost of the development as determined in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021 and outlined in the table below.</p> <table border="1"> <thead> <tr> <th>Capital Investment Value</th><th>Levy Rate (% of CIV)</th></tr> </thead> <tbody> <tr> <td>Up to and including \$100,000</td><td>Nil</td></tr> <tr> <td>More than \$100,000 and up to and including \$200,000</td><td>0.5%</td></tr> <tr> <td>More than \$200,000</td><td>1%</td></tr> </tbody> </table> <p>The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the cost of development in accordance with Appendix C of the Port Stephens Council Local Infrastructure Contributions Plan.</p> <p>Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.</p> <p>This condition cannot be taken to be satisfied until a payment has been made in accordance with the cost of development stated on a cost summary report submitted to Council in accordance with this condition.</p>	Capital Investment Value	Levy Rate (% of CIV)	Up to and including \$100,000	Nil	More than \$100,000 and up to and including \$200,000	0.5%	More than \$200,000	1%
Capital Investment Value	Levy Rate (% of CIV)								
Up to and including \$100,000	Nil								
More than \$100,000 and up to and including \$200,000	0.5%								
More than \$200,000	1%								

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

	<p>Payment of the above amount must apply to Development Applications as follows:</p> <p>a) Subdivision - prior to the issue of the Subdivision Certificate.</p> <p>Condition reason: To ensure that a monetary contribution as specified is paid to Council in accordance with Section 7.12 of the EP&A Act 1979, and the Port Stephens Council Local Infrastructure Contributions Plan 2020.</p>
55.	<p>Completion of landscape and tree works</p> <p>Before the issue of a subdivision certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>Condition reason: To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of a subdivision Certificate.</p>

Occupation and ongoing use

56.	<p>Maintenance of landscaping</p> <p>Landscaped areas are to be maintained (e.g. through the use of mulch and watering) until maturity, or for a period of 5 years.</p> <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p> <p>Condition reason: To ensure street trees required by this consent are suitably maintained until maturity or for a period of 5 years.</p>
57.	<p>Vegetation Management Plan</p> <p>Any monitoring reports required in accordance with the Vegetation Management Plan provided under conditions 3, 4 & 5 of this consent must be prepared and submitted to Council.</p> <p>Condition reason: To ensure monitoring reports are prepared and submitted to Council.</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes: https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

ITEM 1 - ATTACHMENT 1 CONDITIONS OF CONSENT.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

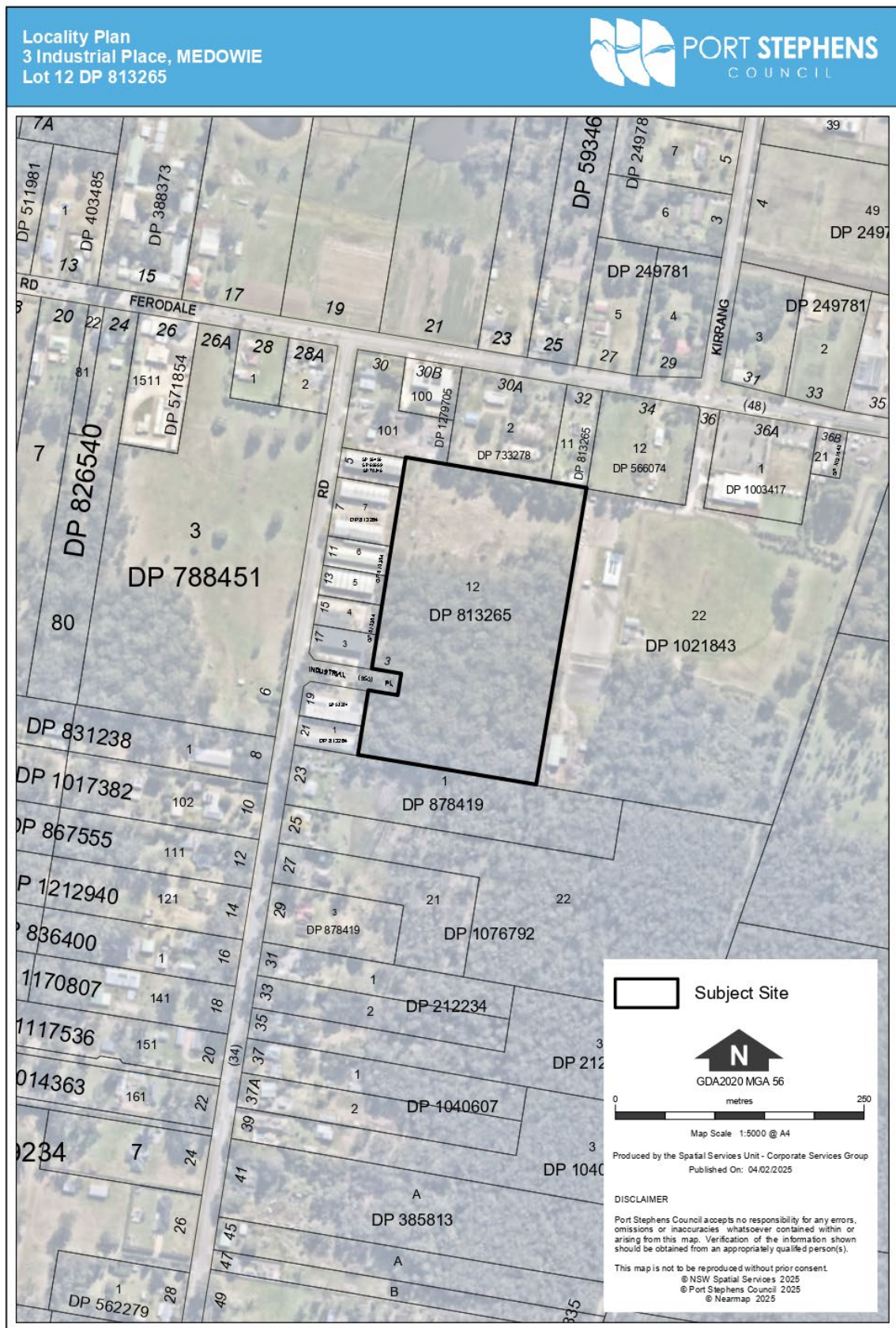
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Council advisory notes

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or applicant’s agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
3. **Bird strike advice** – As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group B”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
4. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
5. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council’s Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
6. **Works near/adjoining electricity network assets** – There are underground electricity network assets adjacent to the proposed development. Any works undertaken adjacent to Ausgrid assets must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.
7. **Council must be nominated as PCA for subdivision works** – Under Section 6.5 of the Environmental Planning & Assessment Act 1979, Council shall be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

ITEM 1 - ATTACHMENT 2 LOCALITY PLAN.



MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Paul Le Mottee returned to the meeting at 6:38pm.

ITEM NO. 2

FILE NO: 25/44020
EDRMS NO: 58-2024-07-01

PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 for land at 254 Tarean Road, Karuah (Lot 1 DP 507141) to:
 - a) Amend Schedule 1 'Additional Permitted Uses' to permit, with development consent, the use of Lot 1 DP 507141, 254 Tarean Road, Karuah as a service station.
 - b) Amend the Additional Permitted Uses Map to identify the subject site as a 'service station'.
- 2) Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination and request authority to make the plan.

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

006	<p>Councillor Jason Wells Councillor Mark Watson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 for land at 254 Tarean Road, Karuah (Lot 1 DP 507141) to:<ol style="list-style-type: none">a) Amend Schedule 1 'Additional Permitted Uses' to permit, with development consent, the use of Lot 1 DP 507141, 254 Tarean Road, Karuah as a service station.b) Amend the Additional Permitted Uses Map to identify the subject site as a 'service station'.2) Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway determination and request authority to make the plan.
-----	--

MINUTES ORDINARY COUNCIL - 13 MAY 2025

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 13 MAY 2025 MATTER ARISING

007	<p>Councillor Giacomo Arnott Councillor Rosalyn Armstrong</p> <p>It was resolved that all development applications and planning proposals where a company is listed as the owner or proponent, the directors of any company be provided to Councillors for the purpose of managing any conflicts of interest.</p>
-----	---

Those for the Motion: Crs Leah Anderson, Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to submit the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (LEP) to NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination.

The planning proposal seeks to reinstate the previous use of the site as a service station by amending Schedule 1 'Additional Permitted Uses'. The site is currently zoned RU2 – Rural Landscape. An existing service station and restaurant occupy the site, however, they are no longer operational and are not permissible with consent within the zone.

This additional permitted use would apply to the subject site only and does not apply to other similar locations or RU2 Rural Landscape zoned land throughout Port Stephens.

The site has a history of commercial land uses, such as a service station and retail premises and is identified in the Karuah Place Plan as 'short-term employment' land.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Although the service station is no longer operational, all infrastructure has been retained. The service station was previously operating under existing use rights, which allowed landowners to continue using their land in a way that was previously permitted, but the rights lapsed after not operating for an extended period.

The existing service station was utilised by traffic on the Pacific Highway until the Karuah Bypass was opened in 2004. Tarean Road now provides access to the Pacific Highway for the communities of Karuah and Swan Bay. The Pacific Highway provides connection to the nearby strategic centres of Medowie and Raymond Terrace as well as the regional city of Newcastle.

Should Council resolve to endorse the planning proposal, it will be forwarded to the DPHI requesting a Gateway determination with a request for Council to have Plan Making Authority for the proposal. Following the issue of a Gateway determination, the planning proposal would be publicly exhibited in accordance with any Gateway conditions, prior to being reported to Council for determination.

A Strategic Planning Assessment Report (SPAR) for this planning proposal is available at **(ATTACHMENT 2)**.

A summary of the planning proposal and property details are provided below.

Date lodged	19 December 2024
Proponent	Coastal Earthmoving Hire Pty Ltd C/- Perception Planning
Subject property	Lot 1 DP 507141, 254 Tarean Road, Karuah, NSW, 2324
Total area	1.7 hectares
Current zoning	RU2 Rural Landscape
Current use	Unoccupied service buildings currently on site. Previously used as a restaurant and service station.
Proposed changes	Inclusion of the subject land within Schedule 1 of LEP as an additional permitted use to permit a service station.

Suitability of the site

The site is considered suitable for a service station for the following reasons:

- The site has already been used as a service station and is considered to have limited agricultural value and still has existing infrastructure on site.
- The site is identified for future short-term employment land in the endorsed Karuah Place Plan. The site has a history of commercial land use and is considered to be a suitable location despite being located outside of the Karuah Town Centre. Although the service station is no longer operational, all infrastructure has been retained.

Servicing

The site can be connected to existing services within the area including reticulated electricity, water, sewer and telecommunications. There is sufficient capacity in these networks to support the proposal.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resourcing implications for Council as a consequence of the recommendations of this report are outlined below.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources ?
There is a risk that DPHI will refuse the planning proposal at Gateway.	Low	Accept the recommendations.	Yes
There is a risk that the need for employment land in Karuah is not met.	Low	Accept the recommendations.	Yes

Environmental Planning and Assessment Act, 1979 (EP&A Act)

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it would be forwarded to DPHI for a Gateway determination, including a request for Council to be made the Plan Making Authority.

Port Stephens Local Environmental Plan 2013 (LEP)

The planning proposal would amend Schedule 1 of PSLEP 2013 to include 'service station' as a permissible form of development on the subject land. This additional permitted use would apply to the subject site only and does not apply to other similar locations or RU2 Rural Landscape zoned land throughout Port Stephens.

Hunter Regional Plan 2041 (HRP)

The proposal demonstrates consistency with the objectives for future employment lands in the Hunter Region. The site is a former employment land, located on the outskirts of the Karuah Township. The proposal will leverage existing infrastructure and provide convenient access to employment and essential services while not impacting existing surrounding land uses.

Local Strategic Planning Statement (LSPS)

The planning proposal gives effect to and is consistent with the Port Stephens Local Strategic Planning Statement (LSPS). Planning Priority 1 seeks to support the growth of strategic centres and major employment areas by Council monitoring employment land supply and assessing rezoning requests for consistency with the economic directions set in local strategies.

Karuah Place Plan

The Karuah Place Plan identifies the site as 'short-term employment' land. The planning proposal is consistent with the Place Plan.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal is likely to deliver a range of social and economic benefits, including:

- Creating a new employment site to support the employment growth in Karuah through provision of employment lands. The proposal encourages business diversification.
- Support future housing identified in the Karuah Place Plan and Local Housing Strategy
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development.

- Stimulation of local economic activity through increased local spending.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

INFORM	<p>Adjacent and adjoining landowners were notified in writing of the lodgement of the planning proposal.</p> <p>Council received 2 enquires relating to matters in a future development application. No objections were raised to the planning proposal.</p>
CONSULT	<p>Preliminary consultation with the following State agencies was undertaken during the assessment of the scoping proposal:</p> <ul style="list-style-type: none">• Department of Planning, Housing and Infrastructure• NSW Environmental Protection Authority• Transport for NSW• Hunter Water Corporation• Rural Fire Services <p>The above agencies were generally supportive with no objections to the proposal received. Recommendations were made for the preparation of a Traffic Impact Assessment, Detailed Contamination Assessment, Visual Impact Assessment and Strategic Bushfire Study to support a planning proposal.</p>

	<p>Each of these studies have been prepared as attachments to the planning proposal.</p> <p>Further consultation or referral of the planning proposal to authorities and government agencies is anticipated after Gateway determination, as set out under Section 9.1 of the EP&A Act, a Gateway condition may be imposed where an authority or agency has an interest in the proposal.</p> <p>The draft planning proposal would be publicly exhibited in accordance with the Gateway determination.</p>
--	--

Internal communications and engagement

Consultation with internal Sections of Council has been undertaken by the Strategic Planning Unit. Consultation was undertaken with:

- Assets Section
- Development and Compliance Section

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - 254 Tarean Road, Karuah.
- 2) Strategic Planning Assessment Report - 254 Tarean Road, Karuah.

COUNCILLORS' ROOM/DASHBOARD

Nil.

Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Additional Permitted Use at 254 Tarean Road, Karuah,
NSW 2324 (Lot 1 DP507141)



CONTENTS

SUMMARY	3
BACKGROUND.....	3
SITE.....	4
PART 1 – Objectives or intended outcomes.....	7
PART 2 – Explanation of provisions	7
PART 3 – Justification of strategic merit and site specific merit.....	7
Section A – Need for the planning proposal.....	7
Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?.....	7
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	8
Section B – Relationship to strategic planning framework	8
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?	8
Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	10
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	12
Q6. Is the planning proposal consistent with applicable SEPPs?	12
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	14
Section C – Environmental, social and economic impact	18
Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?.....	18
Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	19
Q10. Has the planning proposal adequately addressed any social and economic effects?.....	21
Section D – Infrastructure (Local, State and Commonwealth)	22
Q11. Is there adequate public infrastructure for the planning proposal?..	22
Section E – State and Commonwealth Interests	22
Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?.....	22
PART 4 – Mapping	23
PART 5 – Community consultation	23
PART 6 – Project timeline	23

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.**VERSION CONTROL**

Version	Date	Details
1	December 2024	Planning proposal as submitted to Council
2	March 2025	Updated to Council template

ATTACHMENTS

APPENDIX 1 - Visual Impact Assessment
APPENDIX 2 - Detail Survey
APPENDIX 3 - Strategic Bushfire Study
APPENDIX 4 - Preliminary Site Investigation
APPENDIX 5 - Detailed Site Investigation
APPENDIX 6 - Traffic Impact Assessment
APPENDIX 7 - Traffic Impact Addendum
APPENDIX 8 - AHIMS Search Result
APPENDIX 9 - Pre-Lodgement Advice

FILE NUMBERS

Council: 58-2024-7-1
Department: PP-2024-2707

SUMMARY

Subject land: Lot 1 DP507141
254 Tarean Road, Karuah, NSW, 2324

Proponent: Coastal Earthmoving Hire Pty Ltd
Perception Planning Pty Ltd

Proposed changes: The planning proposal is seeking to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to insert an additional permitted use for a service station.

Area of land: 1.662 hectares

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable a service station at 254 Tarean Road, Karuah, NSW, 2324.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

The site is currently zoned RU2 – Rural Landscape. An existing restaurant and service station occupy the site, however, are no longer operational or suitable for continued use. Neither of these historic uses are currently listed as permissible with consent within the zone. To enable a Development Application (DA) to be lodged with Council for consideration, the land use term of a “service station” needs to be listed as permissible with development consent under the LEP (Schedule 1 – Additional permitted uses).

The justification for the planning proposal is informed by the Karuah Place Plan adopted by Council on the 22 March 2022 which identifies the sites as short-term employment land.

The following investigations are provided with this Planning Proposal:

- Strategic Bushfire Strategy
- Detail Survey
- Preliminary and Detailed Contamination Assessment
- Visual Impact Assessment
- AHIMS Search Result
- Traffic Impact Addendum
- Traffic Assessment Report

SITE

The site is a single parcel of land with an area measuring 1.662 hectares (**Figure 1**). The site is bordered by Tarean Road to the north and rural lands to the south, east and west. A small amount of properties adjacent to the site along Tarean Road are zoned R2 – Low Density Residential with the majority of the neighbouring sites RU2 – Rural Landscape (**Figure 2**).

The site is currently zoned RU2 and is subject to a minimum lot size of 20ha. The site does not meet the minimum lot size for the zone.

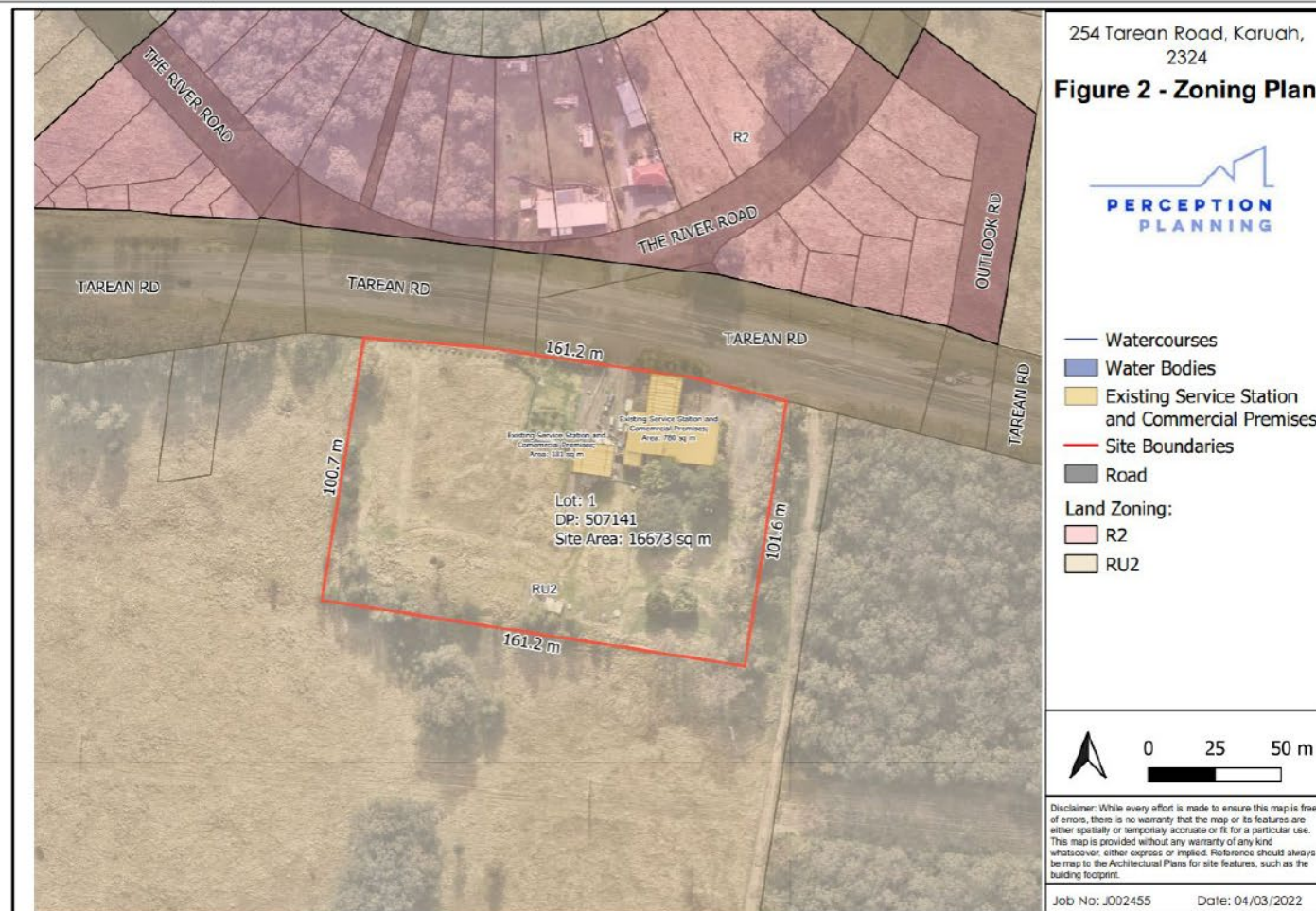
The site is located 1.2km or a 2-minute drive from the Karuah town centre and 21km or a 16-minute drive to Medowie. The site is identified in the Karuah Place Plan for future short-term employment land and supports key strategic land-use planning documents such as the Hunter Regional Plan and the Port Stephens Local Strategic Planning Statement.

The site has a history of commercial land-uses, such as a service station, retail premises and residential use on the large rural lot. Although the service station is no longer operational, all infrastructure has been retained including fuel pumps. Tarean Road interconnects with the Pacific Highway which is a dual laneway carriageway connecting the site to strategic centres of Medowie, Raymond Terrace, Nelson Bay and the regional city of Newcastle.

Figure 1– Locality Plan



Figure 2 – Zoning Plan



ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.**PART 1 – Objectives or intended outcomes**

The objective of this planning proposal is to enable a service station at the subject site. The intended outcome aims to meet immediate and future demand for service stations and daily needs in the surrounding area as well as facilitate the new housing in the area.

PART 2 – Explanation of provisions

The intended outcome of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013* (the LEP) by inserting the following clause under Schedule 1 – Additional Permitted Uses:

Use of certain land at 254 Tarean Road, Karuah

- 1) This clause applies to land at 254 Tarean Road, Karuah being Lot 1, DP507141.
- 2) Development for any of the following purposes is permitted with development consent –
 - a) service station.

These amendments will require revisions to the current Additional Permitted Uses Map under the *Port Stephens Local Environmental Plan 2013* (the LEP).

The proposed provisions will add an additional use to the subject site to allow for a service station, this additional use will still be subject to a development application and development consent.

PART 3 – Justification of strategic merit and site-specific merit**Strategic merit****Section A – Need for the planning proposal****Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

Yes, the planning proposal is the result of the Karuah Place Plan which identified the site as short-term employment land.

The planning proposal will enable the Karuah Place Plan by securing identified short term employment land for the community. The site has a history of commercial land-uses, including a service station and retail premises and is considered to be located within a suitable proximity to the Karuah town centre and Pacific Highway. The planning proposal seeks to incorporate the additional

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

permitted use clause under Schedule 1 of the LEP to re-establish the historic use of the site.

The site is located on the southern side of Tarean Road. The location would be the first fuel and rest opportunity for west bound traffic from Karuah before entering onto the Pacific Highway. The location facilitates easy traffic movement from the site to areas throughout the municipality and the broader surrounds.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order to achieve the intended outcome, the following was considered:

- Amend the zone to E1 Local Centre. Zoning the site E1 Local Centre would enable a wider range of development opportunities on the site that would have the potential to impact on established businesses in the Town Centre.

This option was not considered suitable as it would have a greater impact than an additional permitted use and may undermine the town centre.

Section B – Relationship to strategic planning framework**Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?**

Yes. The planning proposal will give effect to the Hunter Regional Plan 2041 (HRP) which sets the strategic land use framework for continued economic growth and diversification in one of Australia's most diverse and livable regions (p.8). The following objectives are of relevance to the planning proposal:

Objective 1: Diversify the Hunter's mining, energy and industrial capacity

This objective primarily focuses on the current and future employment lands of the Hunter Region. The proposed development site is a former employment land, located on the outskirts of the Karuah township. The proposal will leverage existing infrastructure and provide for convenient access to employment and essential services while not detracting from existing land uses and commercial areas.

The planning proposal is able to meet the requirements set out in Strategy 1.4

Planning proposals for new employment lands will demonstrate they:

- *Are located in areas which will not result in land use conflict.*

The site contains a former service station that currently has limited development around it. A small amount of residential land is located to the north, previous Council assessments of land use conflict would continue to apply, and the extent

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

of land use conflict, subject to the service station being reinstated, would be minor. There is approximately 270m between the subject site and the nearest major residential subdivision. This is considered to be an appropriate buffer area for the future land use.

Being located on the outskirts of an existing settlement is wholly appropriate for the kind of supporting development that service stations comprise. In terms of the existing rural land uses in the surrounding area, there are limited rural activities occurring. Nearby rural land uses include a sawmill to the north-west, and cleared, vacant land to the south. Rural land to the north is similarly cleared and exists as a large land holding. The future use of the site as a service station is unlikely to create conflicts with existing rural land uses in the immediate surrounding area. As such, it is considered the amendment will not result in land use conflict.

- *Can be adequately serviced and any biodiversity impacts are manageable.*

The site has access to reticulated water and sewer services, and access to mains power. As such, it is adequately serviced in its existing state. To accommodate the future development, it is not likely that clearing will be required.

Notwithstanding, the immediate surrounding land is not identified on the Biodiversity Values (BV) map and is identified as 'mainly cleared land' on Council's Koala Plan of Management (KPoM) habitat map.

- *Respond to the employment land needs identified for that local government area.*

The site has been identified as 'short term employment land' in the Karuah Place Plan, which is further discussed below. As such, the planning proposal will enable development that will directly address the need for short term employment land on the site.

Objective 9: Sustain and balance productive rural landscapes

This objective primarily focuses on the appropriate development of rural landscapes within the Hunter Region.

Strategy 9.1 states:

Local strategic planning should consider:

- *Protecting important agricultural lands, rural industries, processing facilities and supply chains from land uses which may result in land use conflict or fragmentation.*

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

- *Opportunities to promote the diversification and innovation of agricultural activities and ways to facilitate the upscaling of productivity without acquiring more land.*
- *Supporting activities to value-add and provide additional income streams for farmers.*
- *Ensuring the impacts of development on aquatic habitats in aquaculture estuaries are minimised to support aquaculture.*

The proposed LEP amendment will not adversely affect important agricultural lands. As previously discussed, the site has been used as a service station in the past, and as such has not been used for agricultural purposes. The proposed LEP amendment is not likely to create land use conflicts specifically due to the advantageous location of the site adjoining Tarean Road and scale of the subject being well below the minimum lot size for the RU2 zone.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) identifies the 20-year vision for land use in Port Stephens. It sets out the social, economic and environmental planning priorities for the future and identifies when they will be delivered. The LSPS is the tool that gives local-level effect to State Government regional plans by informing local statutory plan making and development controls. It also provides the link between the Port Stephens Community Strategic Plan (CSP) and land use planning. The LSPS has been prepared in accordance with Section 3.9 of the EP&A Act.

Planning Priority 1 seeks to support the growth of strategic centres and major employment areas. The most relevant objective for the proposed LEP amendment is:

Access rezoning requests for consistency with the economic directions set in local strategies. (p.18)

The subject site is specifically identified in the Karuah Place Plan, as a future area to be utilised for employment lands. The planning proposal is consistent with the LSPS as it provides economic opportunity in an appropriate location that will create jobs. The proposed LEP amendment will not hinder the economic growth of the existing Karuah local centre.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

Karuah Place Plan

The Karuah Place Plan (KPP) is an addendum to the Karuah Growth Strategy of 2011 and provides an overall structure plan for land use planning in the Karuah area. Shown in **Figure 3**, the site has been identified for 'short term employment land'. The future development of the site would result in short term employment land, and as such would be consistent with the Karuah Place Plan.

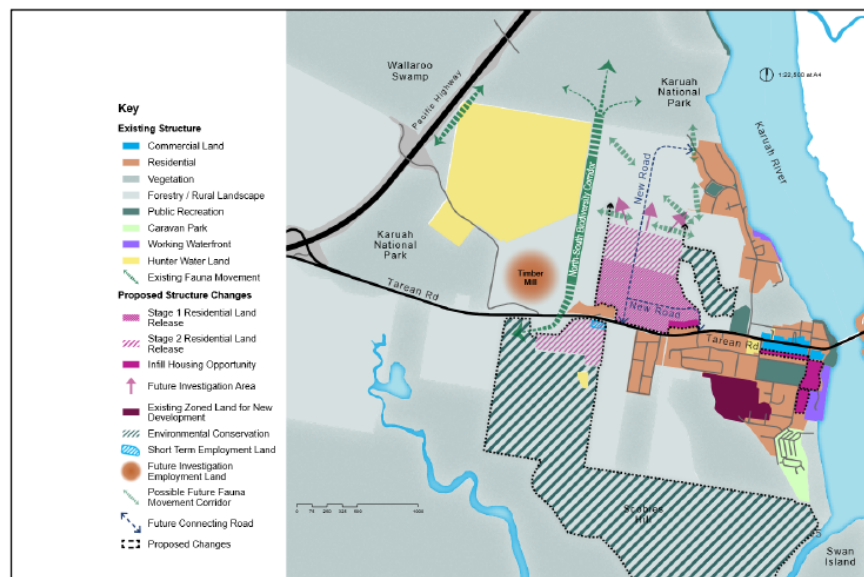


Figure 1: Karuah Place Plan Structure Plan (source: Port Stephens Council)

Port Stephens Community Strategic Plan 2018-2028

Yes, the planning proposal will give effect to the Port Stephens Community Strategic Plan, which sets out to identify community aspirations and priorities over the ten-year period and identify four key focus areas to guide the delivery of these priorities (p.11).

Of the four key focus areas, two are relevant to this planning proposal:

Focus Area Two – Our Place

Focus Area Three – Our Environment

Objective P1 seeks to deliver a strong economy, vibrant local businesses, active investment and create a community that has an adaptable, sustainable and diverse economy (p.17). This planning proposal supports the objective of P1 by creating a new employment area to support the employment growth in Karuah through provision of employment lands. The proposal encourages the business diversification and helps to move away from the reliance of seasonal tourism.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

Objective E1 through to E3 seek to protect and enhance the local natural environment and reduce the community's environmental footprint whilst improving the community's resilience to detrimental impacts from the environment (p.18).

This planning proposal supports the objective of Focus Area Three by re-establishing the historic use of the site for commercial purposes on a lot predominantly cleared of vegetation to reduce impacts on local biodiversity. On this basis, the proposal is consistent with the CSP.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?Greater Newcastle Metropolitan Plan 2036

This Planning Proposal will give effect to the Greater Newcastle Metropolitan Plan 2036 (GNMP) whose stated role is to help achieve sustainable urban growth in the communities that make up Greater Newcastle (p.5).

Strategy 7 of the GNMP identifies that development of the Greater Newcastle Employment Lands will ensure economic opportunities and attract more investment to the area. More specifically, Action 7.1 states:

'Greater Newcastle councils will align local plans to:

- Build capacity for new economy jobs in areas well serviced by public transport and close to established centres by:
- Enabling a greater range of employment generating uses in appropriate industrial and business areas
- Responding to the challenge of balancing the vibrancy of a night-time economy with residential amenity
- Encouraging more home-based business, home-based industries and small business (under two employees plus residents) in residential areas.
- Ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations.' (p.26)

The planning proposal will ensure the adequate supply of employment land in Port Stephens which will promote the growth of commercial businesses within the Karuah locality. It is considered that the planning proposal is consistent with the objectives and intention of the GNMP.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.
Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP (Resilience and Hazards) 2021	
Chapter 4 Remediation of Land	<p>The Preliminary Contamination Investigation (APPENDIX 4) conducted in accordance with the contaminated land planning guidelines identified that the site is potentially contaminated by its previous and current land use.</p> <p>A Detailed Contamination Investigation (APPENDIX 5) found that the site had groundwater contamination, and that it was recommended that a Remediation Action Plan was implemented at the DA stage.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	<p>A Traffic Impact Assessment (APPENDIX 6) and Addendum (APPENDIX 7) have been prepared for the proposed LEP amendment. The reports found that there is sufficient infrastructure capacity in the existing surrounding networks to support the proposal, including the existing road networks. All relevant services and infrastructure are available within the area and are capable of being connected.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 - Koala habitat protection 2020	<p>The site is currently zoned RU2 Rural Landscape and is primarily mapped as mainly cleared koala habitat, with a small portion of marginal habitat.</p> <p>The planning proposal will not result in removal of any current or potential koala habitat.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP (Primary Production) 2021	
Chapter 2 Primary Production and Rural Development	<p>An Agricultural Lands Assessment was not deemed necessary in this instance as while the proposal relates to rural land, it does not limit the agricultural viability of the land as it only adds potential uses to the site. The site is not considered to be State Significant Agricultural Land, nor is it Biophysical Strategic Agricultural Land (BSAL).</p> <p>To this extent, further assessment of this SEPP is not required.</p>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
1.1 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	The Hunter Regional Plan 2041 (HRP) is relevant to this planning proposal. As demonstrated in response to Q3, the planning proposal is consistent with the HRP. The planning proposal is consistent with this direction.
1.4 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The planning proposal adheres to (1)(c), that will enable a particular land use (service stations), without imposing additional development standards or requirements on top of any existing requirements or standards within the LEP. The planning proposal is consistent with this direction.
3. BIODIVERSITY AND CONSERVATION	
3.1 Conservation Zones The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.	It is not considered that the proposal would result in potential negative impacts on environmentally sensitive areas. The proposal does not relate to land within an existing or proposed environmental protection zone. The planning proposal is consistent with this direction.
3.2 Heritage Conservation The objective of this direction is to conserve items, areas, objects	The site does not contain any heritage items/places listed in the <i>Port Stephens Local Environmental Plan 2013</i> . A search of

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

and places of environmental heritage significance and indigenous heritage significance.	<p>the Aboriginal Heritage information Management System (AHIMS) (APPENDIX 8) found one (1) Aboriginal site within a 200m radius of the lot. The Aboriginal site is located on the opposing side of Tarean Road, on a site not owned by the proponent or affected by this proposal or potential development.</p> <p>The planning proposal is consistent with this direction.</p>
4. RESILIENCE AND HAZARDS	
<p>4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>The site is partially mapped as Bushfire Prone Land (Category 1 & 3). A Strategic Bushfire Study has been prepared to support the planning proposal (APPENDIX 3) which addresses Ministerial Direction 4.3 and aligns with the Planning for Bushfire Protection 2019 guidelines (PBP).</p> <p>The Study concludes that the planning proposal is suitable for the site, and bushfire risks can be effectively mitigated by implementing PBP requirements, including temporary and permanent Asset Protection Zones.</p> <p>NSW Rural Fire Service were consulted during the scoping phase and raised no objections to the scoping proposal. Further consultation will be undertaken should Gateway determination be received.</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation</p>	<p>A Preliminary Contamination Investigation (APPENDIX 4) has been undertaken in accordance with the contaminated land planning guidelines. The investigation identified that the site is potentially contaminated by its previous and current land use.</p>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

are considered by planning proposal authorities.	<p>A Detailed Contamination Investigation (APPENDIX 5) was undertaken and found that the site had groundwater contamination. It is recommended that a Remediation Action Plan be implemented at the DA stage to resolve the remediation of the groundwater including the following:</p> <ul style="list-style-type: none"> • Delineation of the groundwater contamination plume. • Removal of underground petroleum storage systems infrastructure. • Remediation of impacted soils and groundwater from the UPSS voids. <p>The planning proposal is consistent with this direction.</p>
<p>4.5 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>The site contains Acid Sulfate Soils (ASS) Class 5.</p> <p>The planning proposal, seeks to enable a services station, which may include works two metres below the natural ground surface. The specific management of ASS can be addressed at the DA stage.</p> <p>The planning proposal is consistent with this direction.</p>
5. TRANSPORT AND INFRASTRUCTURE	
<p>5.1 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved access to housing, jobs and services by active and public transport, and increasing the choice of available</p>	<p>A Traffic Impact Assessment and Traffic Impact Addendum (APPENDIX 6 & 7) have been prepared to assess the likely impacts of a future service station on the site. As previously noted, the site has existing segregated turning areas on Tarean Road, due to its previous use as a service station.</p> <p>Consideration has been given to Improving Transport Choice – Guidelines for planning and development (DUAP 2001). The planning proposal is considered to be generally consistent with the aims, objectives and principles of <i>Improving</i></p>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

<p>transport, and providing for the efficient movement of freight.</p>	<p><i>Transport Choice – Guidelines for planning and development</i> including:</p> <ul style="list-style-type: none"> Concentrate in centres – The proposal seeks to add additional use to rural land located 1km from the town centre. Link public transport with land use strategies – The proposal sits within an existing public transport network and provides an essential service to support the network. <p>The proposal responds to the direction of The Right Place for Business and Services – Planning Policy by providing a needed land use that serves both economic and community functions in a location with established accessibility and demand. The site is well located with existing road infrastructure and presents minimal impact on the capacity or safety of the road network.</p> <p>The traffic reports provided concluded that the proposal is considered appropriate from a traffic engineering and safety perspective, subject to the adoption of the recommendations.</p> <p>The planning proposal is consistent with Ministerial Direction 5.1 Integrating Land Use and Transport</p>
<p>7. INDUSTRY AND EMPLOYMENT</p>	
<p>7.1 Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>The site is identified in the KPP as being a suitable location for short term employment land. The proposal seeks to protect the existing employment land within the Karuah township by limiting the amendment to an additional permitted use. The proposed land use would not undermine the viability of the existing employment areas in the Karuah locality.</p> <p>The planning proposal is consistent with this direction.</p>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

9. PRIMARY PRODUCTION	
<p>9.1 Rural Zones</p> <p>The objectives of the direction are to protect the agricultural production value of rural lands. Applies to land that seeks to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural zoned land.</p>	<p>The planning proposal does not seek to rezone the subject site, but instead add an additional permitted use.</p> <p>The site has a history of commercial land-uses including a service station and retail premises and is not utilised as agricultural land. To this extent, the planning proposal is not anticipated to affect the existing rural zone.</p> <p>The planning proposal is consistent with this direction.</p>
<p>9.2 Rural Lands</p> <p>The objective of this direction is to protect the agricultural production value of rural land, facilitate the orderly and economic use of rural land for rural purposes.</p>	<p>This direction applies because the proposal seeks to incorporate an additional permitted use into a rural zone.</p> <p>The planning proposal is consistent with the Hunter Regional Plan. As the site is already fragmented and has a history of being a service station it is not expected to result in further fragmentation of agriculture and primary production lands or result in land use conflict.</p> <p>This planning proposal is consistent with this direction.</p>

Site-specific merit

Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The majority of the subject site is cleared and highly disturbed. Future development of the site will be limited to land that has been cleared or is already developed. All bushfire mitigation measures; including asset protection zones have considered the existing and potential biodiversity values to avoid impact where possible.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. There are no known environmental features of significance within the development footprint or the balance of the site. The development footprint is wholly located within that part of the site that is predominantly cleared. A further review of other environmental impacts are outlined below.

Bushfire

As previously discussed, the site is partially mapped as bushfire prone land, with Vegetation Category 3 mapping. A Strategic Bushfire Study has been undertaken for the planning proposal. This is provided at **APPENDIX 3. Figure 4** provides a visual overview of the bushfire risk of the site and surrounding area.

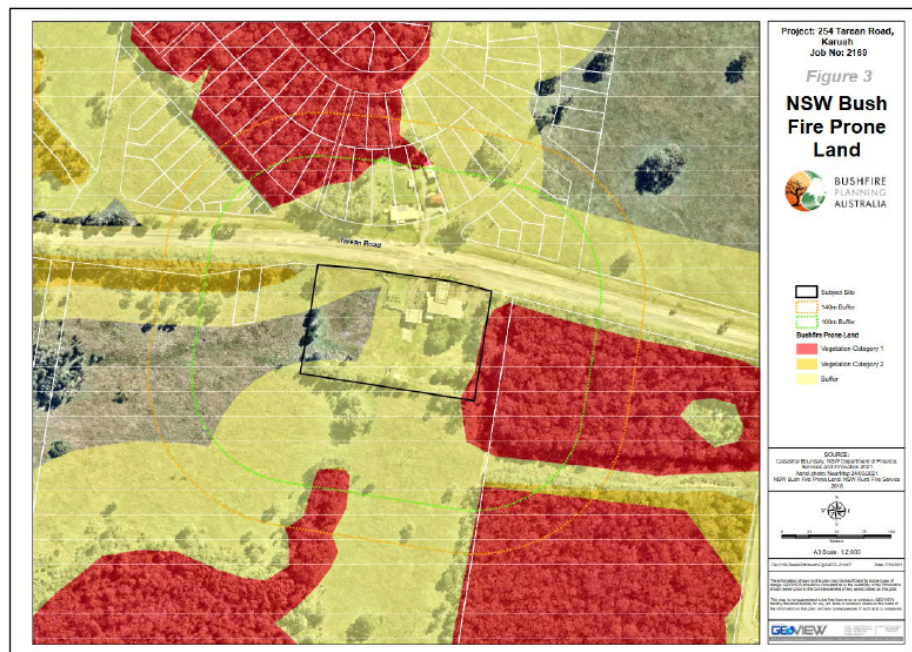


Figure 2: Bushfire prone land map (source: Bushfire Planning Australia, 2022)

The Strategic Bushfire Study found that the site was exposed to a high bushfire hazard mainly located to the south/south-east of the subject site. The predominant vegetation surrounding the site is consistent with forest vegetation formation as described within *Planning for Bush Fire Protection 2019* (PBP 2019).

The Study found that the proposed land use was not considered completely incompatible with the surrounding environment, subject to sound bushfire management. Appropriate measures include:

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

- Any future DA for hazardous industry shall be supported by a Fire Safety Study (FSS) prepared in accordance with the NSW Department of Planning, Housing and Infrastructure (DPHI) *Hazardous Industry Planning and Assessment Papers*. The FSS must demonstrate all components and infrastructure associated with a service station will be designed and constructed with the relevant specifications and standards and are able to withstand high levels of sustained radiant heat exposure.
- Future asset protection zones (APZs) should be based on a minimum FDI of 100. APZs will be fully contained within future lot boundaries and will not rely on adjoining land, or the existing overhead electricity transmission line easements.
- The capacity of the site must be sufficient to deal with occupants of the site in an emergency situation; this should include a minimum of two points of access which provide two different routes of travel away from the site.
- A traffic report should be prepared which assesses the capacity of the site in the event of an emergency, assuming that road closures of public roads surrounding the site might occur.
- An emergency evacuation and management plan should be prepared which demonstrates the required actions to be undertaken in the event of a bushfire.
- Details of the proposed development should be provided to the Local Emergency Management Committee to enable awareness in emergency response.

Contamination

Given the previous site uses, a Detailed Site Investigation (DSI) (**APPENDIX 5**) and a Preliminary Site Investigation have been undertaken for the site (**APPENDIX 4**). **Figure 5** provides a visual overview of the DSI borehole locations.

The DSI and previous reporting considered that the site had been impacted by groundwater contamination comprising total recoverable hydrocarbons (TRH) and polycyclic aromatic hydrocarbons (PAH) at concentrations exceeding the adopted site trigger values for commercial and industrial land uses and the presence of non-aqueous phase liquid (NAPL) in the groundwater. Groundwater in the forecourt area of the site was impacted with TRH and PAH. As such, remediation of the site and groundwater is recommended. This includes:

- Delineation of the groundwater contamination plume.
- Removal of underground petroleum storage systems infrastructure.
- Remediation of impacted soils and groundwater from the underground petroleum storage systems (UPSS) voids.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

The DSI recommends that a Remediation Action Plan (RAP) be prepared to guide the remediation works and be implemented by a suitably qualified person. It is proposed that the RAP be prepared at the DA stage relating to the redevelopment of the site for the purposes of a service station.



Figure 3: Borehole testing locations (source: JM Environments, 2024)

Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The additional permitted use for a service station will have positive social and economic effects. In particular, the development of this land for a service station will generate employment opportunities and release valuable retail floorspace in the Karuah commercial core, providing space to allow new retail and commercial businesses to be established in the township. The community benefit associated with future development will be found in the provision of an appropriately located commercial area that provides floorspace to local businesses to grow and service the future population needs of the Port Stephens Local Government Area.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.**Section D – Infrastructure (Local, State and Commonwealth)****Q11. Is there adequate public infrastructure for the planning proposal?**Services

Connection to reticulated water and sewer is available. Consultation with Hunter Water regarding expansion of connections may be required as a Gateway condition.

Traffic

A Traffic Impact Assessment and Traffic Impact Addendum (**APPENDIX 6-7**) to assess the likely impacts of a future service station on the site. As previously noted, the site has existing segregated turning areas on Tarean Road, due to its previous use as a service station.

The traffic reporting provided concluded that the proposal is considered appropriate from a traffic engineering and safety perspective, subject to the adoption of recommendations within each report. The proposed future service station is not expected to adversely affect the operation of Tarean Road or the surrounding network.

Section E – State and Commonwealth Interests**Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The following agencies were consulted with during the scoping phase of this planning proposal:

- Department of Planning, Housing and Infrastructure (DPHI)
- Transport for NSW (TfNSW)
- NSW Rural Fire Services (RFS)
- NSW Environment Protection Authority (EPA)
- Hunter Water Corporation (HWC)

No agencies raised any objections to the planning proposal. Reports were prepared in response to the agencies feedback to satisfy the relevant Ministerial Directions.

Consultation with relevant State and Commonwealth agencies will be undertaken in accordance with a Gateway Determination. It is envisaged that the following agencies will be consulted with:

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

- NSW Rural Fire Services
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Hunter Water Corporation
- Local Aboriginal Land Council

PART 4 – Mapping

No mapping amendments are required as part of this proposal.

PART 5 – Community consultation

Community consultation would be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period would be placed in the local newspaper, The Examiner. The exhibition material would be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace

The planning proposal would also be available on Council's website.

PART 6 – Project timeline

Any additional technical information, studies and investigations identified would be completed within the timeframes listed below, should the planning proposal receive a Gateway determination:

The following timetable is proposed:

Stage	Timeframe and/or date
Consideration by council	December 2024 - March 2025
Council decision	May 2025
Subject to Council determination	
Gateway referral to the Department	May 2025
Gateway determination	June 2025

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL - 254 TAREAN ROAD, KARUAH.

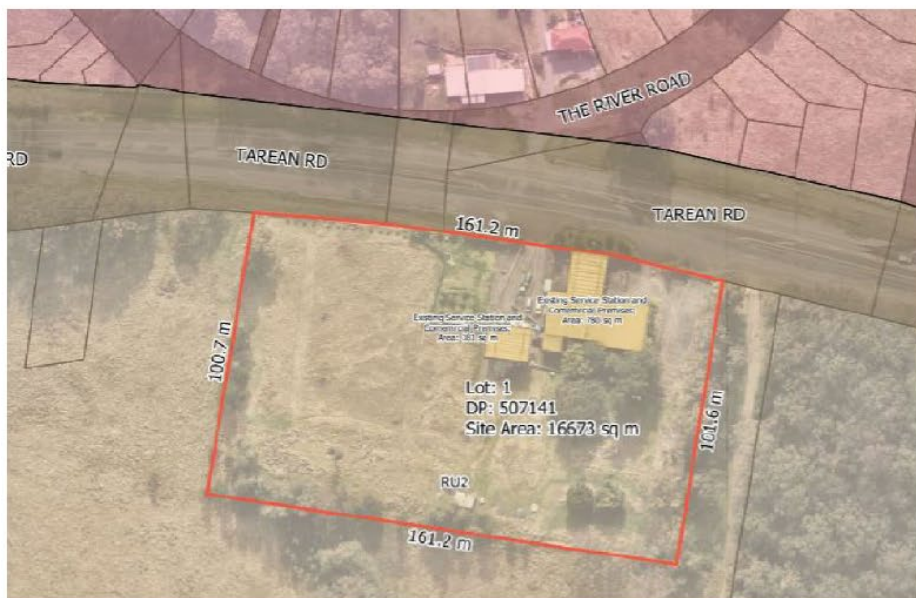
Commencement and completion of public exhibition period	July 2025 – August 2025
Finalisation of planning proposal	September 2025 – November 2025
Gazettal of LEP amendment	December 2025

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT -
254 TAREAN ROAD, KARUAH.



STRATEGIC PLANNING ASSESSMENT REPORT (SPAR)

Application No.	58-2024-7-1
Applicant Name	Coastal Earthmoving Hire Pty Ltd C/- Perception Planning
Applicant Address	13 Abundance Rd, Medowie NSW 2318
Site Location Details	254 Tarean Road, Karuah (Lot 1 DP 507141)
Proposal Summary	The site is currently zoned RU2 – Rural Landscape. An existing restaurant and service station occupy the site, however, are no longer operational and are not permissible with consent within the zone. The planning proposal is seeking to amend Schedule 1 of the Port Stephens Local Environmental Plan to insert an additional permitted use for service stations.



ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT - 254 TAREAN ROAD, KARUAH.

Information	Assessment												
Internal referrals													
Development Engineering	Development engineering have noted that on-site detention and water quality improvement devices would be required, however, this could be addressed at the development application (DA) stage. Furthermore, the referral noted that the existing road conditions are suitable to support the development and access can be upgraded to the suit the development at the DA stage. Ultimately, no concerns were noted.												
Natural Systems	Natural Systems noted that the site is adjacent to the access point for Council's Biobank Site (262 Tarean Road) and Hunter Water's Reservoir Site (262A Tarean Road). It was recommended that Council's Environmental Operations Team and Hunter Water are consulted as well as Council's Strategic Property Team who manage 262 Tarean Road.												
Environmental Health	Environmental Health noted the previous use of the site as a service station and restaurant. They noted the proposal appears reasonable, Given the previous use on the site, All Environmental Health concerns can be adequately addressed at the design during the DA stage. There were no objections to the proposal. Site remediation per the Detailed Site Investigation would be required.												
State agency referrals – preliminary scoping proposal referrals	<table> <tr> <th>Sent</th><th>Received</th></tr> <tr> <td>NSW Department of Planning, Housing and Infrastructure (DPHI)</td><td>Date 9/4/2024 Date 14/5/2024</td></tr> <tr> <td>NSW Environment Protection Authority (EPA)</td><td>Date 18/3/2024 Date 20/4/2024</td></tr> <tr> <td>Transport for NSW (TfNSW)</td><td>Date 15/5/2024 Date 11/6/2024</td></tr> <tr> <td>NSW Rural Fire Service (RFS)</td><td>Date 03/8/2022 Date 17/8/2022</td></tr> <tr> <td>Hunter Water Corporation (HWC)</td><td>Date 09/8/2022 Date 31/8/2022</td></tr> </table>	Sent	Received	NSW Department of Planning, Housing and Infrastructure (DPHI)	Date 9/4/2024 Date 14/5/2024	NSW Environment Protection Authority (EPA)	Date 18/3/2024 Date 20/4/2024	Transport for NSW (TfNSW)	Date 15/5/2024 Date 11/6/2024	NSW Rural Fire Service (RFS)	Date 03/8/2022 Date 17/8/2022	Hunter Water Corporation (HWC)	Date 09/8/2022 Date 31/8/2022
Sent	Received												
NSW Department of Planning, Housing and Infrastructure (DPHI)	Date 9/4/2024 Date 14/5/2024												
NSW Environment Protection Authority (EPA)	Date 18/3/2024 Date 20/4/2024												
Transport for NSW (TfNSW)	Date 15/5/2024 Date 11/6/2024												
NSW Rural Fire Service (RFS)	Date 03/8/2022 Date 17/8/2022												
Hunter Water Corporation (HWC)	Date 09/8/2022 Date 31/8/2022												

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT - 254 TAREAN ROAD, KARUAH.

Information	Assessment
Department of Planning Guide to preparing planning proposals	
Part 1 – Statement of objectives or intended outcomes of the proposed LEP	The statement of objectives or intended outcomes of the proposed instrument is adequate to enable assessment. The planning proposal seeks to amend the LEP to enable a service station that's consistent with the Karuah Place Plan, which identifies the site for short-term employment.
Part 2 – Explanation of the provisions that are to be included in the proposed LEP	The planning proposal adequately explains the provision to be included in the draft instrument: Insert the following clause under Schedule 1 - Additional Permitted Uses: Use of certain land at 254 Tarean Road, Karuah 1) Development for any of the following purposes is permitted with development consent – a) service station.
Part 3 – Justification of strategic and potential site-specific merit, outcomes, and the process for implementation	The justification provided for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, the local planning statement, is considered to be appropriate.
Section A – Need for the planning proposal	
Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The planning proposal is the result of the Karuah Place Plan which identified the site as short-term employment land. This is consistent with the proposed use of the site.
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The intended outcome of the planning proposal is to reinstate the former permitted land use for a service station in accordance with the Karuah Place Plan and enable development that is compatible with the character of the existing surrounding residential neighbourhood. The planning proposal is the best means of achieving the objectives or intended outcomes.
Section B – Relationship to strategic planning framework	
Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	The planning proposal gives effect to the Hunter Regional Plan 2041.
Assessment of consistency with the Hunter Regional Plan 2041 (HRP).	The planning proposal is consistent with the objectives of the HRP for future employment lands in the Hunter Region. The proposal will leverage existing infrastructure and provide convenient access to employment and essential services while not detracting from existing land uses.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT - 254 TAREAN ROAD, KARUAH.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	The planning proposal gives effect to and is consistent with the Port Stephens Local Strategic Planning Statement (LSPS). Planning Priority 1 seeks to support the growth of strategic centres and major employment areas by Council monitoring employment land supply and assessing rezoning requests for consistency with the economic directions set in local strategies.
Karuah Place plan	The planning proposal is consistent with the Karuah Place Plan which identifies the site for short term employment land.
Centres and employment lands study	The planning proposal is consistent with the Port Stephens Centres and Employment Land Study which sets future strategic directions for Karuah to investigate sites for employment lands to unlock local employment opportunities consistent with the Karuah Place Plan.
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no further applicable state and regional studies or strategies applicable to the planning proposal.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) ASSESSMENT

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Assessment
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 - Koala habitat protection 2020	The site is currently zoned RU2 Rural Landscape and is primarily mapped as mainly cleared koala habitat, with a small portion of marginal habitat. The information lodged for the proposal demonstrates consistency with the SEPP.
Chapter 4 - Koala habitat protection 2021	The Comprehensive Koala Plan of Management does not apply.
SEPP (Resilience and Hazards) 2021	
Chapter 4 - Remediation of Land	The site has been historically used as a service station. A contamination assessment has been prepared, which provides consideration to the suitability of the site based on contamination. A Detailed Contamination Investigation found that the site had groundwater contamination, and that it was recommended that a Remediation Action Plan was

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT -
254 TAREAN ROAD, KARUAH.**

	implemented at the DA stage. The information lodged for the proposal demonstrates consistency with the SEPP.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 - Infrastructure	There is sufficient infrastructure capacity in the existing surrounding networks to support the proposal, including the existing road networks. All relevant services and infrastructure are available within the area and are capable of being connected. The information lodged for the proposal demonstrates consistency with the SEPP.
SEPP (Primary Production) 2021	
Chapter 2 - Primary production and rural development	The site is zoned RU2 Rural Landscape but is unsuitable for primary production due to a small lot size and an existing restaurant and service station development. The information lodged for the proposal demonstrates consistency with the SEPP.

MINISTERIAL DIRECTION ASSESSMENT

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Ministerial Direction	Assessment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The proposal has been prepared in line with the ministerial direction and is consistent with HRP 2041.
1.4 Site Specific Provisions	The planning proposal adheres to (1)(c), that will enable a particular land use (service stations), without imposing additional development standards or requirements on top of any existing requirements or standards within the LEP. The information lodged for the proposal demonstrates consistency with this Direction.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The proposal does not relate to land within an existing or proposed environmental protection zone.
3.2 Heritage Conservation	The site does not contain any heritage items/places listed in the Port Stephens Local Environmental Plan 2013. A search of the Aboriginal Heritage information Management System (AHIMS) found one (1) Aboriginal site within a 200m radius of the lot. The Aboriginal site is located on the opposing side of Tarean Road, on a site not owned by the proponent or affected by this proposal or potential development. The planning proposal is consistent with this Direction.
Focus area 4: Resilience and Hazards	
4.1 Flooding	The proposal does not relate to flood prone land. Consistency with the Direction is not relevant to the proposal.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT -
254 TAREAN ROAD, KARUAH.**

4.3 Planning for Bushfire Protection	<p>The proposal relates to bushfire prone land. NSW Rural Fire Service raised no objections to the scoping proposal and notes the Bushfire Strategic Study. Further consultation would be undertaken should Gateway determination be issued.</p> <p>The planning proposal is consistent with this Direction.</p>
4.4 Remediation of Contaminated Land	<p>The proposal affects land to which this Direction applies. The site had ground water contamination and it was recommended that a Remediation Action Plan was implemented at the DA stage.</p> <p>The planning proposal is consistent with this Direction.</p>
4.5 Acid Sulfate Soils	<p>The site is mapped as containing Class 5 acid sulfate soils which is the lowest risk category. The proposal may include works below two metres below the natural ground surface. The management of ASS would be assessed as part of any future DA.</p> <p>The planning proposal is consistent with this Direction.</p>
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The site is well-located in proximity to the Karuah town centre supporting community transportation. The proposal seeks to re-establish the historic use of the site to provide employment land which would support the creation of jobs in the retail industry.</p> <p>The planning proposal is consistent with this Direction.</p>
Focus area 7: Industry and Employment	
7.1 Employment Zones	<p>The site is identified in the KPP as being a suitable location for the future use as short term employment land. The proposal seeks to protect the existing employment land within the Karuah township.</p> <p>The planning proposal is consistent with this Direction.</p>
Focus area 9: Primary Production	
9.1 Rural Zones	<p>The planning proposal is not seeking to rezone rural land. The proposal seeks to insert an additional permitted use for service stations to re-establish the previous use of the site.</p> <p>The planning proposal is consistent with this Direction.</p>
9.2 Rural Lands	<p>The planning proposal is seeking to insert an additional permitted use for service stations in the RU2 Rural Landscape zone.</p> <p>The proposal is not expected to create land use conflict given the site was previously a service station. The proposal is consistent with the Hunter Regional Plan and the Karuah Place Plan and is expected to have positive social and economic impacts</p> <p>The planning proposal is justifiably inconsistent with this Direction.</p>

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT - 254 TAREAN ROAD, KARUAH.

Information	Assessment
Section C – Environmental, social and economic impact	
Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	The area of the site to be affected by the proposed development has been identified to avoid impact on any threatened species, population or Endangered Ecological Communities (EEC). All bushfire mitigation measures; including asset protection zones have considered the existing and potential biodiversity values to avoid impact where possible.
Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	There will likely be minor environmental effects as a result of the planning proposal. The site is directly adjacent to the access point for Council's Biobank Site (262 Tarean Road) and would require consideration at the DA stage.
Q10. Has the proposal adequately addressed any social and environmental effects?	There would likely be positive social and economic effects as a result of the planning proposal including: <ul style="list-style-type: none"> • Employment opportunities during construction and operation of a service station • Provision of additional retail floorspace to support economic development • The proposed service station will provide retail convenience for residents and people travelling through Karuah
Section D – Infrastructure (Local, State and Commonwealth)	
Q11. Is there adequate public infrastructure for the planning proposal?	There is adequate public infrastructure for the planning proposal. The site can be connected to all essential infrastructure services (water, sewer, electricity, tele-communications) and the site has existing segregated turning areas to facilitate traffic from its previous use as a service station.
Section E – State and Commonwealth Interests	
Q12. What are the views of state and federal public authorities consulted in order to inform the Gateway determination?	Preliminary consultation was undertaken with various state authorities as identified in this assessment report for the scoping proposal phase, and their advice has been used to assist in informing the preparation of the planning proposal. Consultation with relevant State and Commonwealth agencies will be undertaken following a Gateway Determination.
Part 4 – Maps , where relevant, to identify the effect of the planning proposal and the area to which it applies	No mapping amendments are required as part of this proposal.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT - 254 TAREAN ROAD, KARUAH.

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal	Community consultation would be undertaken in accordance with the Gateway determination.
Part 6 – Projected timeline of the plan making process	The projected timeline as detailed in the planning proposal is considered adequate.

TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Supporting plans and studies	Assessment
Urban Design Study	Not applicable.
Flood and Risk Assessment (FIRA)	Not applicable.
Water Cycle and Stormwater Management	Not applicable.
Bushfire Risk Assessment Report	Strategic Bushfire Study, Bushfire Planning Australia, 22 March 2022. The Strategic Bushfire Study adequately demonstrates that bushfire hazard can be successfully mitigated by applying a Fire Safety Study for any future DA and the requirements of Planning for Bushfire Protection 2019, such as a combination of temporary and permanent Asset Protection Zones and emergency management plans.
Traffic and Transport Strategy	Traffic engineering assessment, WGA, December 2024. Traffic Impact Assessment, Intersect Traffic, March 2022. The reports indicate that the proposal is considered appropriate from a traffic engineering and safety perspective subject to the adoption of the proposed access measures and is not expected to adversely affect the operation of Tarean Road or the surrounding network.
Heritage	An AHIMS search was conducted on 03/12/24 and found one (1) Aboriginal site within a 200m radius of the lot. The Aboriginal site is located on the opposing side of Tarean Road, on a site not owned by the proponent or affected by this proposal or potential development.
Biodiversity Assessment Report	Not applicable.
Contamination and Acid Sulphate Soils	Detailed Contamination Assessment, JM Environments, 3 December 2021. Detailed Contamination Assessment, JM Environments, 4 March 2024

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT -
254 TAREAN ROAD, KARUAH.**

	A Detailed Site Investigation and previous reporting identified that the site had been impacted by groundwater contamination from its previous use. A remediation action plan is to be prepared to guide the remediation works at the DA Stage. The duty to report the contamination to the EPA has not been triggered provided the site is satisfactorily remediated.
Social and Community	Not applicable.
Utilities and Infrastructure	Connection to reticulated water and sewer is available.
Agricultural Land Assessment	Not applicable.

RECOMMENDATION

Based on the information lodged with the rezoning request, the planning proposal is considered to have sufficient merit to proceed to Gateway.

DETERMINATION

The planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and is considered to be consistent with relevant local and regional plans, State Environmental Planning Policies and Ministerial Directions. Where there is an inconsistency, this inconsistency is justified.

As a delegate for Port Stephens Council and in accordance with the Rezoning Request Policy, I, Mitchell Drover, the Strategic Planner at Port Stephens Council, endorse the planning proposal to amend Port Stephens Local Environmental Plan Schedule 1 – Additional Permitted Use for a service station, to be submitted to the Department of Planning, Housing and Infrastructure in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979, with a request for a Gateway determination. Authorisation to make the plan under section 3.34(2)(g) of the EP&A Act is to be requested.

SIGNATURE

Mitchell Drover
Strategic Planner

DATE

27 March 2025

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Ben Niland returned to the meeting at 6:42pm.

ITEM NO. 3

FILE NO: 25/64962
EDRMS NO: 58-2024-5-1

PLANNING PROPOSAL - ANNA BAY EAST

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse the planning proposal (**ATTACHMENT 1**) seeking to amend the Port Stephens Local Environmental Plan 2013 for land at Anna Bay East including:
 - 196 Old Main Road, Anna Bay (Lot 963 DP 731955)
 - 263 Gan Gan Road, Anna Bay (Lot 21 DP 590387)
 - 269 Gan Gan Road, Anna Bay (Lot 23 DP 590387)
 - 271 Gan Gan Road, Anna Bay (Lot 1 DP 536752)
 - 273 Gan Gan Road, Anna Bay (Lot 901 DP 634550)
 - 293 Gan Gan Road, Anna Bay (Lot 902 DP 634550)
 - 321 Gan Gan Road, Anna Bay (Lot 1 DP 503876)
 - Unformed Crown road.
-

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

008	<p>Councillor Jason Wells Councillor Rosalyn Armstrong</p> <p>It was resolved that Council refuse the planning proposal (ATTACHMENT 1) seeking to amend the Port Stephens Local Environmental Plan 2013 for land at Anna Bay East including:</p> <ul style="list-style-type: none">• 196 Old Main Road, Anna Bay (Lot 963 DP 731955)• 263 Gan Gan Road, Anna Bay (Lot 21 DP 590387)• 269 Gan Gan Road, Anna Bay (Lot 23 DP 590387)• 271 Gan Gan Road, Anna Bay (Lot 1 DP 536752)• 273 Gan Gan Road, Anna Bay (Lot 901 DP 634550)• 293 Gan Gan Road, Anna Bay (Lot 902 DP 634550)• 321 Gan Gan Road, Anna Bay (Lot 1 DP 503876)• Unformed Crown road.
-----	--

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Giacomo Arnott left the meeting at 6:43pm.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Leah Anderson, Rosalyn Armstrong, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek a resolution of Council on the planning proposal (**ATTACHMENT 1**) for the site known as Anna Bay East.

A summary of the planning proposal and property are provided below.

Date lodged	15 January 2025
Proponent	Mecone Group Pty Ltd on behalf of AB Rise Pty Ltd
Subject property	Lot 963 DP 731955 (196 Old Main Road, Anna Bay) Lot 21 DP 590387 (263 Gan Gan Road, Anna Bay) Lot 23 DP 590387 (269 Gan Gan Road, Anna Bay) Lot 1 DP 536752 (271 Gan Gan Road, Anna Bay) Lot 901 DP 634550 (273 Gan Gan Road, Anna Bay) Lot 902 DP 634550 (293 Gan Gan Road, Anna Bay) Lot 1 DP 503876 (321 Gan Gan Road, Anna Bay) Unformed Crown road
Total area	125 hectares
Current zoning	RU2 Rural Landscape (101 hectares) C3 Environmental Management (20 hectares) R2 Low Density Residential (4 hectares)
Current use	Rural and environmental land uses. Improved by single dwellings on existing lots.
Proposed changes	61 hectares of land zoned R2 Low Density Residential.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

	<p>33 hectares of environmental land zoned C3 Environmental Management.</p> <p>7 hectares of public open space zoned RE1 Public Recreation.</p>
Dwelling yield	Approximately 584 dwellings on 476 residential lots.
Related works	<p>Site stormwater management through the widening of the Anna Bay Main Drain and the construction of multiple stormwater management basins.</p> <p>The construction of local streets, pedestrian networks and cycling infrastructure, including 2 road connections to Gan Gan Road and 1 road connection to Frost Road.</p> <p>Filling of the site for roads, dwellings and associated infrastructure.</p>
Reasons for Recommending Refusal	<p>Inconsistency with the Hunter Regional Plan 2041.</p> <p>Inconsistency with the Port Stephens Local Strategic Planning Statement.</p> <p>Inconsistency with the Port Stephens Local Housing Strategy.</p> <p>Inconsistency with the Anna Bay Strategy and Town Plan 2008.</p> <p>Inconsistency with Directions issued by the Minister for Planning, Housing and Infrastructure under section 9.1(2) of the Environmental Planning and Assessment Act 1979 including:</p> <ul style="list-style-type: none"> • 1.1 Implementation of Regional Plans • 3.1 Conservation Zones • 3.2 Heritage Conservation • 4.1 Flooding • 4.2 Coastal Management <p>Given the flooding constraints, the environmental values identified on the site, and the inconsistency with the urban footprint identified in Council strategies, the site is not considered suitable for the proposed urban development outcome.</p>

The site is not identified for housing within the Hunter Regional Plan 2041 (HRP), the Port Stephens Local Housing Strategy (LHS) or the Anna Bay Strategy and Town Plan 2008 (ABSTP).

At its meeting on 25 June 2024, Council considered the site and resolved not to support its inclusion in the LHS due to the significant environmental, cultural and infrastructure constraints that could not be overcome during the lifetime of the strategy (**ATTACHMENT 2**).

Notwithstanding, the proponent elected to proceed through the scoping proposal process for the site, consistent with the NSW Department of Planning, Housing and Infrastructure (DPHI) LEP Making Guideline.

On 2 July 2024, scoping proposal advice was provided to the proponent by Council identifying key concerns relating to the site and advising it is unlikely that a planning proposal could be supported (**ATTACHMENT 3**). This advice is supported by technical comments from State agencies, public authorities and relevant sections of Council.

The proponent subsequently proceeded with lodgement of a planning proposal, which is the subject of this Council report. The planning proposal and supporting technical studies do not provide sufficient justification for Council to support the planning proposal proceeding.

The detailed technical assessment of the planning proposal is provided as the Strategic Planning Assessment Report (SPAR) at (**ATTACHMENT 4**).

Suitability of the site

The subject land has a total of 125 hectares and is located at the eastern side of Anna Bay.

The area is subject to widespread flooding and drainage constraints. The site is identified as high hazard flood storage area. The site is also identified as being subject to coastal and tidal inundation in the Port Stephens Coastal Management Program (CMP).

The site includes a number of cleared areas which are the focus for proposed residential development under the planning proposal. Notwithstanding this, the planning proposal and the intended development outcome would result in an estimated removal of 32 hectares of vegetation mapped as having high biodiversity value.

The vegetation on the low-lying part of the site north of the local ridgeline is identified on the NSW Biodiversity Values Map as land with high biodiversity value, made up of threatened species habitat, native vegetation and riparian areas that are particularly sensitive to the potential impacts of the intended development outcome. Suitable development outcomes are required to limit the fragmentation of natural habitat, which directly impacts the movement of fauna through urban landscapes.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

The ridgeline area forms a natural and visual boundary for the existing urban settlement in Anna Bay. The intended development outcome of the planning proposal would significantly extend the urban footprint beyond this ridgeline.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resourcing implications for Council as a consequence of the recommendations of this report are listed below.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that future and existing residents on and around the site will be subject to unacceptable flood and coastal risks if the planning proposal is adopted.	High	Accept the recommendation.	Yes
There is a risk that the proposal will create unacceptable environmental impacts,	High	Accept the recommendation.	Yes

in particular loss of biodiversity and habitat corridors for the koala, if the planning proposal is adopted.			
--	--	--	--

Environmental Planning and Assessment Act 1979

The planning proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Should Council resolve to support the planning proposal, it will be forwarded to the DPHI for a Gateway determination.

The planning proposal is inconsistent with a number of Directions issued by the Minister for Planning, Housing and Infrastructure under section 9.1(2) of the EP&A Act including:

- 1.1 Implementation of Regional Plans
- 3.1 Conservation Zones
- 3.2 Heritage Conservation
- 4.1 Flooding
- 4.2 Coastal Management

A detailed assessment of the planning proposal against these Directions is provided within the Strategic Planning Assessment Report (SPAR) at **(ATTACHMENT 4)**.

Port Stephens Local Environmental Plan 2013

The planning proposal would result in an additional 61 hectares of land zoned R2 Low Density Residential and an additional 33 hectares of land zoned C3 Environmental Management.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,100 dwellings required in Port Stephens by 2041. The planning proposal seeks to provide an additional 584 dwellings which would contribute to meeting this projected dwelling demand.

The planning proposal is considered to be inconsistent with Objective 6 'Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments' and Objective 7 'Reach net zero and increase resilience and sustainable infrastructure' of the HRP. The site includes extensive areas that are subject to flooding and coastal vulnerability, as well as extensive areas mapped as having high biodiversity value.

The planning proposal demonstrates limited consistency with other objectives and related strategies of the HRP. This includes Objective 3 'Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities'

and Objective 5 'Plan for 'nimble neighbourhoods, diverse housing and sequenced development'.

Port Stephens Local Strategic Planning Statement 2020 (LSPS)

The planning proposal is inconsistent with, or gives only limited effect to the planning priorities and actions in the LSPS. The proposal would increase the supply of housing, if rezoned and developed, aligning with LSPS Planning Priority 4 'Ensure suitable land supply'. However, it is inconsistent with related LSPS Action 4.1 'Prepare and implement a local housing strategy to ensure suitable land supply and other planning priorities for housing identified in the LSPS'. The site is not identified for housing in the LHS.

The planning proposal is inconsistent with LSPS Planning Priority 7 'Conserve biodiversity values and corridors' notwithstanding the measures that have been proposed to manage environmental impacts. The intended development outcome would result in the removal of 32 hectares of vegetation mapped as having high biodiversity value.

The planning proposal is inconsistent with LSPS Planning Priority 8 'Improve resilience to hazards and climate change'. It would place future residents within an area identified as subject to flooding and coastal vulnerability.

Port Stephens Local Housing Strategy (LHS)

The planning proposal is inconsistent with the endorsed LHS which does not identify the site for housing. Although the site could contribute towards housing supply by the provision of more than 584 dwellings, there are significant site constraints and inconsistencies with the strategic planning framework that do not support the proposal proceeding.

To provide for housing supply in Port Stephens, the LHS includes a mechanism for Council to consider alternative sites and respond to the housing targets of the HRP by 2041. This flexibility includes the LHS addendum process, which enables the consideration of additional sites and annual reporting against housing projections to monitor supply.

At its meeting on 25 June 2024, Council considered the site and resolved not to include the site in the LHS due to the significant environmental, cultural and infrastructure constraints that could not be overcome during the lifetime of the strategy (**ATTACHMENT 2**).

Since that date, there have been no changes to the site constraints and strategic inconsistencies identified so as to indicate that the site could be considered suitable for consideration as part of an LHS addendum process.

Anna Bay Strategy and Town Plan 2008 (ABSTP)

The planning proposal is considered to be inconsistent with the ABSTP as it seeks to rezone an extensive area of land for urban development north of the local ridgeline. This area is not mapped or identified for this purpose within the ABSTP. A small area of the site, with frontage to Gan Gan Road and Old Main Road, is identified for consideration within the ABSTP, located on the southern side of the local ridgeline. A key strategic direction of the strategy is to protect the existing landscape setting, including the local ridgeline that forms the visual and physical containment of the settlement.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal may have positive social and economic implications from an increase in housing supply and employment related to the intended development outcome.

The planning proposal is considered to have negative social and environmental implications through the increased flooding and coastal risk to current and future residents generated by the development as well as the significant environmental impacts upon an area of high biodiversity value.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

External communications and engagement

INFORM	Adjacent and adjoining landowners were notified in writing of the lodgement of the planning proposal.
CONSULT	<p>Preliminary consultation with the following State agencies was undertaken during the preparation of the scoping proposal:</p> <ul style="list-style-type: none">• Department of Planning, Housing and Infrastructure• Department of Planning, Housing and Infrastructure – Crown Lands• Department of Planning, Housing and Infrastructure – Heritage• Department of Climate Change, Energy, the Environment and Water• Department of Primary Industries – Agriculture• Department of Primary Industries – Fisheries• Transport for NSW• State Emergency Service• Department of Education – School Infrastructure• Department of Health <p>The scoping proposal was also referred to the Anna Bay Drainage Union.</p> <p>The agency advice is addressed in the SPAR (ATTACHMENT 4).</p>

Internal communications and engagement

The following internal Sections of Council have been consulted during the assessment and preparation of this report:

- Assets Section
- Public Domain and Services Section
- Development Assessment and Compliance Section

Matters raised as part of the assessment are set out within the SPAR (**ATTACHMENT 4**).

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Planning Proposal Report. (Provided under separate cover)
- 2) Council Meeting Minute - 25 June 2024.
- 3) Scoping Proposal Advice.
- 4) Strategic Planning Assessment Report Anna Bay East. (Provided under separate cover)

COUNCILLORS' ROOM/DASHBOARD

Nil.

Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 25 JUNE 2024

Councillor Glen Dunkley left the meeting at 6:56pm.

ITEM NO. 7

FILE NO: 24/133102

EDRMS NO: PSC2023-03961-0004

**PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN -
MAPPING PART 3**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 3 (**ATTACHMENT 1**).
-

**ORDINARY COUNCIL MEETING - 25 JUNE 2024
MOTION**

147	Councillor Leah Anderson Councillor Matthew Bailey It was resolved that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 3 (ATTACHMENT 1).
------------	--

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the Port Stephens Local Housing Strategy - Housing Supply Plan (HSP) as it relates to properties nominated within Part 3 as well as noting the response to sites that were nominated within this area.

MINUTES ORDINARY COUNCIL - 25 JUNE 2024

The report recommends that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 3 (**ATTACHMENT 1**) which includes the following precincts;

- Nelson Bay Town Centre, Nelson Bay
- Nelson Bay East, Nelson Bay
- Salamander Bay Centre, Salamander Bay
- Salamander Way, Salamander Bay
- Shoal Bay
- Anna Bay Town Centre, Anna Bay
- Latitude One, Anna Bay
- Sunrise, Anna Bay
- Tanilba Bay Golf Course, Tanilba Bay
- Tanilba Bay Centre, Tanilba Bay

The Housing Supply Plan was exhibited with the Local Housing Strategy for a period of 28 days. Amendments have been made to the HSP in response to submissions received during the exhibition period. Proposed amendments are detailed in the Local Housing Strategy - Submission Table and Explanation of Post Exhibition Amendments attached to the Port Stephens Local Housing Strategy report.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The HSP aligns with State, regional and local planning policies, strategies and plans.

MINUTES ORDINARY COUNCIL - 25 JUNE 2024

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the HSP is not adopted the future housing needs of the community will not be met.	High	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The HSP seeks to provide homes in locations close to employment centres and prioritises new housing around existing urban areas. The HSP is considered to have a positive impact on housing affordability as it strives to deliver housing to meet project dwelling demand over the next 20 years.

CONSULTATION

The Strategy and Environment Section has undertaken targeted consultation with key stakeholders and the community throughout the development and finalisation of the documents.

Internal

- Development and Compliance Section
- Strategy and Environment Section
- Communications and Customer Experience Section
- Assets Section

External

Council received a number submissions that sought to nominate additional sites for inclusion within the HSP. In some cases, Council received multiple submissions suggesting the same site / precinct.

Each site that was nominated has been reviewed to understand the known environmental constraints, alignment with Council's strategic planning and the potential delivery timeframes to 2041. In addition to this, consideration was given to whether a site had recently been the subject of a Council resolution or determination.

Inclusion in the HSP is predicated on Council being sufficiently confident that the site will be developed and the potential realised within the timeframe of the HSP and LHS of 2041.

The submissions / nominations received relating to areas with Part 3 are summarised below.

MINUTES ORDINARY COUNCIL - 25 JUNE 2024

Site Name/Description	Comment	Outcome
Gan Gan Army Camp (multiple submissions)	This site was previously subject to a rezoning request that was refused by Council 9 August 2022 Minute 206 (ATTACHMENT 3).	Not supported.
Nelson Bay West Precinct (multiple submissions)	<p>The nominated area is considered to have potential, but has not yet been considered in detail. Detail to this effect was not received as part of the submission. Given the extent of opportunities in Shoal Bay, Nelson Bay East and Nelson Bay, at this time, it is considered appropriate to defer this area for future consideration.</p> <p>Part of the precinct which is zoned R3 adjacent to the Nelson Bay Town Centre Precinct is considered appropriate to include within the Nelson Bay Town Centre Precinct.</p>	Include R3 zoned land in Nelson Bay Town Centre Precinct.
Nelson Bay East (multiple submissions)	The sites identified fall within the already identified Nelson Bay East precinct. The narrative for the site has been amended to recognise that the Nelson Bay East Place Strategy will help inform any future consideration of the site.	Update the narrative for the Nelson Bay East precinct.
Anna Bay North Precinct	The site identified falls within the already identified Anna Bay Town Centre precinct. Following the review of this nomination, it was noted that a portion of the site would be impacted significantly by flooding. This portion is proposed to be removed.	Update mapping to remove identified flood prone land.
Anna Bay East Precinct	The site, previously subject to a briefing at public access is known to have significant environmental, cultural and infrastructure issues. The submission did not provide sufficient evidence to indicate that these could be overcome.	Not supported.

MINUTES ORDINARY COUNCIL - 25 JUNE 2024

Site Name/Description	Comment	Outcome
Bobs Farm Lifestyle Village (3631 Nelson Bay Road, Bobs Farm)	The site on Nelson Bay Road is not currently operating as a caravan park or manufactured home estate. The LHS is supportive of these forms of housing in appropriate locations, but also references the need to advocate to the State to facilitate planning changes to support identifying additional land for new lifestyle villages. The State planning framework has not been amended at this time.	Not supported.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Port Stephens Local Housing Strategy - Housing Supply Plan - Mapping Part 3.
- 2) Council Minute No. 206 - 9 August 2022.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



Director
Mecone

RE: Scoping Proposal to rezone subject land from RU2 Rural Landscape and C3 Environmental Management to R2 Low Density Residential, C3 Environmental Management and RE1 Public Recreation.

Subject land: 196 Old Main Road, Anna Bay (Lot 963 DP 731955); 263 Gan Gan Road, Anna Bay (Lot 21 DP 590387); 269 Gan Gan Road, Anna Bay (Lot 23 DP 590387); 271 Gan Gan Road, Anna Bay (Lot 1 DP 536752); 273 Gan Gan Road, Anna Bay (Lot 901 DP 634550); 293 Gan Gan Road, Anna Bay (Lot 902 DP 634550); 321 Gan Gan Road, Anna Bay (Lot 1 DP 503876).

Thank you for submitting the above scoping proposal for initial consideration and referral.

In accordance with the NSW Department of Planning, Housing and Infrastructure (DPHI) Local Environment Plan Making Guideline (LEP Making Guideline) the scoping proposal was sent to the following agencies for advice:

- NSW Department of Planning, Housing & Infrastructure (DPHI) (response attached)
- NSW Department of Climate Change, Energy, the Environment and Water (Biodiversity and Conservation Division) (BCD) (response attached)
- NSW Department of Planning, Housing & Infrastructure (Crown Lands) (response attached)
- NSW Department of Primary Industries – Agriculture (DPI Agriculture) (response attached)
- NSW Department of Primary Industries - Fisheries (DPI Fisheries) (response attached)
- Transport for NSW (TfNSW) (response attached)
- NSW Department of Planning, Housing & Infrastructure (Heritage NSW) (response attached)

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4980 0255
Email: council@pocstephens.nsw.gov.au

www.pocstephens.nsw.gov.au
ABN 16 744 377 876

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

- Hunter Water Corporation (HWC) (indicated they have already provided a response to the proponent)
- NSW State Emergency Service (SES) (response attached)
- NSW Rural Fire Service (RFS) (response attached)
- NSW Department of Education, School Infrastructure (Education) (response attached)
- Anna Bay Drainage Union (response attached)
- NSW Department of Health (Health) (no response received)

The scoping proposal was also referred to Council's Assets, Strategy and Environment, and Development Assessment and Compliance sections for comment.

In referring and assessing the scoping proposal, Council notes the following key concerns:

- The site was considered by Council at its meeting on 25 June 2024 and was not included in the Port Stephens Local Housing Strategy and Housing Supply Plan.
- The site is highly constrained by flooding, drainage, biodiversity and coastal risk planning constraints (amongst others).
- There are potential impacts on the ecological values of the site associated with the direct clearing of native vegetation as well as in association with filling of the site, habitat fragmentation and disturbance.
- There are potential impacts on preferred koala habitat and habitat buffers, intensive development within areas of supplementary koala habitat as well as the removal of preferred koala habitat trees.
- There is significant risk of restricting movement of fauna species across the site.
- The nominated site is located within a high risk flood catchment. There are known areas of significant flooding ranging from frequent to significant events within a land locked catchment.
- A planning proposal for the site is unlikely to demonstrate consistency with Local Planning Directions issued by the Minister for Planning under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Based on the above, Council does not believe that a planning proposal, as outlined in the scoping proposal, could be supported. This is consistent with advice that has been provided about the development of this site over the past several years.

Should the proponent still seek to lodge a planning proposal Attachment 1 sets out the planning proposal study requirements that will need to be addressed, including (but not limited to):

- A Biodiversity Development Assessment Report (BDAR) including an investigation into the clearing thresholds for entry into the Biodiversity Offset Scheme in accordance with the Biodiversity Assessment Methodology (BAM)

- A Flood Impact Risk Assessment (FIRA)
- Water Cycle and Stormwater Management Plan (WCSMP)
- Land Use Conflict Risk Assessment (LUCRA)
- Assessment in accordance with Appendix 2 of the Port Stephens Comprehensive Koala Plan of Management (CKPOM)
- Wetland Hydrodynamics Assessment
- Groundwater Dependent Ecosystem Assessment
- Geotechnical Assessment (Water table and Acid Sulfate Soils)
- Aboriginal Cultural Heritage Assessment
- Bushfire Risk Assessment
- Preliminary Site Investigation Report (Contamination)
- Traffic and Transport Strategy
- Infrastructure Servicing Strategy

A planning proposal for this site would be categorised as 'complex' under the LEP Making Guidelines.

The lodgement fees will be in accordance with Council's Fees and Charges Schedule 2024-2025 for a Complex (Category C) Planning Proposal and calculated on lodgement. The current Stage 2 fees to lodge a planning proposal are approximately \$63,280.

If the planning proposal is not lodged within 6 months from the issue date of this letter, further consultation with Council will be required. This may include further review by Council and re-referral of the scoping proposal to government agencies.

Should you have any questions or would like some advice on a draft planning proposal prior to lodgement, please contact [REDACTED]

[REDACTED]

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2 July 2024

Attachment 1: Planning Proposal Study Requirements

COMMENTS AND REQUIREMENTS	
Studies Submitted	
Scoping Proposal (Mecone, 19 April 2024)	
STRATEGY AND POLICY CONTEXT	
Regional Plans	<p>Council</p> <ul style="list-style-type: none"> • Demonstrate consistency with Ministerial Direction 1.1 Implementation of Regional Plans. • The proposal is inconsistent with Objective 7 Reach net zero and increase resilience and sustainable infrastructure of the Hunter Regional Plan 2041 (HRP). • Provide detailed response to and demonstrate consistency with all applicable objectives and strategies of the HRP. <p>DPHI</p> <ul style="list-style-type: none"> • The proposal is inconsistent with Objective 7 Reach net zero and increase resilience and sustainable infrastructure of the HRP.
Local Plans	<p>Council</p> <ul style="list-style-type: none"> • The scoping proposal is inconsistent with the Port Stephens Local Housing Strategy (LHS) including the Housing Supply Plan (HSP). • The proposal is inconsistent with the Anna Bay Strategy and Town Plan 2008. • The site was considered by Council at its meeting on 25 June 2024 and has not been included in the LHS and HSP. • The report to Council on 25 June 2024 states that the site, previously subject to a briefing at public access, is known to have significant environmental, cultural and infrastructure issues. The report states the submission seeking inclusion within the HSP did not provide sufficient evidence that these issues could be overcome. • The potential exists for sites that are not currently identified in the HSP to demonstrate consistency with the relevant housing criteria and proceed outside of being nominated in the HSP through the LHS Addendum Process. • The scoping proposal does not meet the LHS addendum process criteria. • Should the planning proposal be lodged, consideration should be given to the potential need for any future site-specific development control plan for the site.

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

	COMMENTS AND REQUIREMENTS
Ministerial Directions	<p>Council</p> <ul style="list-style-type: none"> • The scoping proposal does not demonstrate consistency with a number of Local Planning Directions (Ministerial Directions) issued by the Minister for Planning under section 9.1(2) of the EP&A Act. • Initial review is it is unlikely that a planning proposal for the site will be able to demonstrate that inconsistencies with a number of Ministerial Directions will be able to be overcome. • Key Ministerial Directions to be addressed include: <ul style="list-style-type: none"> ○ 1.1 Implementation of Regional Plans ○ 3.1 Conservation Zones ○ 3.2 Heritage Conservation ○ 4.1 Flooding ○ 4.2 Coastal Management ○ 4.3 Planning for Bushfire Protection ○ 4.4 Remediation of Contaminated Land ○ 4.5 Acid Sulfate Soils ○ 5.1 Integrating Land Use and Transport ○ 6.1 Residential Zones ○ 9.1 Rural Zones ○ 9.2 Rural Lands ○ 9.3 Oyster Aquaculture <p>DPHI</p> <ul style="list-style-type: none"> • The proposal needs to address Ministerial Directions and provide justification for any inconsistency.
Crown Land	<p>Crown Lands</p> <ul style="list-style-type: none"> • 2 Crown roads are impacted by the proposal: <ul style="list-style-type: none"> ○ Adjoining lots 901 & 902 DP634550 and Lots 21 & 23 DP590381; and ○ North of Lot 963 DP731955, Lot 1 DP536752, Lot 902 DP634550 and Lot 2 DP503876. • The scoping proposal would benefit from an assessment of which public roads are required and which roads are not required within the planning proposal area. • Transfer of affected Crown roads to Council would be required where roads are required to be retained as part of the public road network to service private development.

COMMENTS AND REQUIREMENTS	
BIODIVERSITY AND CONSERVATION	
Biodiversity	<p>Council</p> <ul style="list-style-type: none"> • The majority of the vegetation on site is an endangered ecological community (EEC) and the site provides habitat for a number of threatened species including: <ul style="list-style-type: none"> ○ Wallum Froglet ○ White-bellied Sea Eagle ○ Little Lorikeet ○ Powerful Owl ○ Varied Sittella ○ Koala ○ Squirrel Glider ○ Large-eared Pied Bat ○ Eastern False Pipistrelle ○ Greater Broad-nosed Bat ○ Little & Large Bent-winged Bat ○ Red Helmet Orchid ○ Tall Knotweed • The development of the site is considered likely to increase the operation of a number of key threatening processes. • Key threatening processes are listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act) where such processes are known to: <ul style="list-style-type: none"> ○ Adversely affect threatened species or ecological communities, or ○ Could cause species or ecological communities that are not threatened to become threatened. • The proposal is likely to result in the following key threatening processes: <ul style="list-style-type: none"> ○ Alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands ○ Clearing of native vegetation ○ Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants ○ Loss of hollow-bearing trees • Additional impacts are likely to include degradation to adjacent retained native vegetation including EECs due to: <ul style="list-style-type: none"> ○ Edge effects (e.g. nutrient runoff and weeds) ○ Noise and light ○ The keeping of domestic dogs and cats • The proposal has the potential to impact on threatened biodiversity. The extent and severity of impacts to the natural environment is currently unclear.

	COMMENTS AND REQUIREMENTS
	<ul style="list-style-type: none"> The following assessments would be required to understand the potential impacts of the proposal: <ul style="list-style-type: none"> Biodiversity Development Assessment Report (BDAR) Assessment in accordance with Appendix 2 of the Port Stephens Comprehensive Koala Plan of Management (CKPOM) Wetland Hydrodynamics Assessment Groundwater Dependent Ecosystem Assessment Geotechnical Assessment (Water table and Acid Sulfate Soils) Appropriate avoidance and minimisation of impacts is essential in complying with the requirements of the Biodiversity Conservation Act 2016. Development along the local dune system should be avoided as it contains mature forest, has a high number of hollow bearing trees, and provides important habitat connectivity for fauna. This habitat is known to provide an important breeding habitat for a number of threatened species, including the White-bellied Sea Eagle and Powerful Owl. Changes in hydrology can lead to transformation of the system into more dryland forms or more lake-like ecosystems, ultimately altering the structure, floristic assemblage and function, and hence the integrity of the ecological community. Additional impacts include downstream effects such as flooding/increased sedimentation of the waterways, increased nutrients, decreased water quality, invasions of exotic species and the development of acid-sulphate soil (ASS) impacts. The proposal includes the creation of a new road crossing the ridgeline to the west of Clark Street which would likely impact the tree canopy on top of the local ridgeline. <p>BCD</p> <ul style="list-style-type: none"> The scoping proposal does not consider Ministerial Direction 3.1 Conservation Zones which requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. The HRP requires strategic planning proposals to protect areas of High Environmental Values (HEV). The requirement to avoid and minimise impacts to biodiversity is further reinforced under the Biodiversity Offset Scheme (BOS) and Biodiversity Assessment Method (BAM) 2020. A large number of threatened entities have been recorded within the site and impacts to them are proposed or considered highly likely to occur.

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

	COMMENTS AND REQUIREMENTS
	<ul style="list-style-type: none"> The proposal is inconsistent with the Port Stephens CKPOM and does not meet the CKPOM performance criteria for rezoning. The proposal is inconsistent with the Anna Bay Strategy and Town Plan, which states that land identified for conservation including land identified as flood prone or comprising significant vegetation, is unsuitable for residential development and should be conserved and revegetated over the long term. The site contains wildlife corridors that link the Tomaree Peninsula with the Worimi Conservation Lands. Development in this area could considerably impact Koala and other fauna movement and conservation within the region. Indirect impacts from changes to hydrological conditions and impacts from edge effects are likely to: degrade the condition and integrity of retained and surrounding habitats, reduce the function of important wildlife corridors and impact biodiversity features essential to threatened entities, and have 'edge' effects. <p>DPI Fisheries</p> <ul style="list-style-type: none"> Notes the high-level nature of the scoping proposal and the absence of any supporting environmental studies or assessments provided by the applicant and therefore cannot provide detailed comment on the suitability of the proposal. Key considerations in the assessment process are: <ul style="list-style-type: none"> Key fish habitat Acid sulfate soils and drainage issues Potential impacts such as direct impacts to key fish habitat, and potential indirect impacts to water quality within the marine park sanctuary zone and to priority oyster aquaculture area (consider consistency with Ministerial Direction 9.3 Oyster Aquaculture). The existing drainage network is inadequate to meet the current demands of the locality. Studies should be undertaken to assess potential impacts, and should involve an aquatic habitat assessment and ground and surface water hydrological assessment.
Heritage	<p>Heritage NSW</p> <ul style="list-style-type: none"> Assess the likelihood of relics and any subsequent management required under the <i>Heritage Act 1977</i> (Heritage Act). Prepare a comprehensive Aboriginal Cultural Heritage Assessment to inform the planning proposal. Consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors.

COMMENTS AND REQUIREMENTS	
	<ul style="list-style-type: none"> Measures to limit impacts to identified Aboriginal cultural landscape values should be developed and integrated into the planning proposal. Consider the Aboriginal cultural heritage impacts within environmental assessments for the planning proposal. Develop management, mitigation and conservation mechanisms at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage. <p>Council</p> <ul style="list-style-type: none"> Demonstrate consistency with Ministerial Direction 3.2 Heritage Conservation.
RESILIENCE AND HAZARDS	
Flooding and drainage	<p>Council</p> <ul style="list-style-type: none"> Demonstrate consistency with Ministerial Direction 4.1 Flooding. The proposal is in a 'high-risk' catchment. There is concern whether the site is suitable for urban development, given its flooding constraints. The development area includes land locked catchment and known areas of significant flooding ranging from frequent to significant events. Water is known to pond in certain locations for extended duration presenting further risk to the catchment. The site includes a full range of flood hydraulic hazards with a large portion of the site inundated by High Hazard Flood Storage. Compliance with the following is required: <ul style="list-style-type: none"> Ministerial Direction 4.1 Flooding Planning Circular PS24-001 Update on addressing flood risk in planning decisions (1 March 2024) Planning Circular PS21-006 Considering flooding in land use planning: guidance and statutory requirements (14 July 2021) Considering Flooding in land use planning guideline (2021) NSW Floodplain Development Manual. A Water Cycle and Stormwater Management Plan (WCSMP) and a Flood Impact Risk Assessment (FIRA) is required to provide clarification of the suitability of the development against the above land use planning directions.

	COMMENTS AND REQUIREMENTS
	<ul style="list-style-type: none"> • The FIRA will need to align with Council's current flood study for the area Anna Bay and Tilligerry Creek Flood Study, (Jacobs, 4 December 2017) including consideration of best available data and the latest provisions described in ARR 2019. It is currently unclear whether this has been considered. • A FIRA would be required to address the duration of inundation in order to fully assess the proposal. • The proposal needs to demonstrate the development's ability to deliver the proposed yield whilst simultaneously satisfying the requirements of the above land-use directions. It is unclear the extent of works that will be required to achieve this objective and what impact that will have on the wider community (such as emergency management and ecological impacts). • The proposed dwellings will need to obtain appropriate FFL under Port Stephens Development Control Plan 2014 (DCP) Chapter B5 Flooding. The introduction of significant amounts of fill within the floodplain however needs to be carefully investigated including the potential impacts offsite and in particular, downstream of the site's location. • Consideration of the downstream infrastructure configuration will be required to ensure the full range of impacts have been investigated. <p>BCD</p> <ul style="list-style-type: none"> • The proposal is not consistent with the Ministerial Direction 4.1 Flooding, which states that land must not be rezoned from rural to residential uses if it is within a Flood Planning Area. <p>NSW State Emergency Service (SES)</p> <ul style="list-style-type: none"> • The proposal is situated on a high-risk floodplain. • Recommendation 22 and 15 of the NSW 2022 Flood Inquiry advocates for a planned retreat from areas at most risk on the floodplain. The proposed development is essentially an advance into the floodplain. • The flood risks of the Port Stephens region are so significant that any further development increases the burden on current and future communities and emergency services. • Proceeding with the proposal is not recommended as this would increase the number and exposure of residents to flood risk. • This proposal is likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures.

	COMMENTS AND REQUIREMENTS
	<ul style="list-style-type: none"> The proposal would further increase the complexity of flood operations for the Port Stephens, and directly transfer the risk to SES for warning, evacuation, and potentially rescue. If the proposal proceeds SES recommends: <ul style="list-style-type: none"> ensuring the proposed fill does not create High Flood Islands which become isolated and surrounded by high hazard floodwater as these present a significant risk factor that would be best avoided for development. ensuring all proposed critical infrastructure is located above the PMF, to minimise disruption to essential services and reduce risks of exposing persons onsite or downstream to polluted floodwater. ensuring the subdivision layout site design provides rising road access from all lots. Preparation of a FIRA to address existing and post-development conditions, in accordance with the NSW Government Guidelines, in order to understand the full extent of the flood risk to the proposed site, the natural wetlands and downstream communities. careful consideration of flood warning and evacuation demand on existing and future access/egress routes considering potential impacts of localised flooding. seeking advice from BCD regarding the impacts of the development on flood behaviour, particularly in relation to the substantial amounts of fill within the flood extent to understand impacts onsite and offsite. Ensure the proposal is considered against Ministerial Direction 4.1 Flooding and is consistent with: <ul style="list-style-type: none"> The NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023; Supporting guidelines, including Support for Emergency Management Planning, which identifies key considerations relating to emergency management. <p>Anna Bay Drainage Union</p> <ul style="list-style-type: none"> Reference to current flood mapping must be made. The site is subject to flooding from the local sub catchment and the wider Anna Bay catchment area, as well as potentially from the Hunter River which overflows into Tilligerry Creek, and also from tidal inundation and rising sea levels. Flooding at the site is primarily caused by significant intermittent rainfall events and a combination of the geomorphology and hydrology.

	COMMENTS AND REQUIREMENTS
	<ul style="list-style-type: none"> • The scoping proposal incorrectly states that flooding is “primarily caused by high tail water conditions in Tilligerry Creek downstream, leading to inundation of low-lying areas north of Anna Bay.” • The lived experience of inundation from a 1 in 100 year rain event does not correlate with the modelling. • The proposed development is on land that has historically required SES rescues following major rain events. • The introduction of fill would increase the risk of flooding on neighbouring properties. • If consideration of the planning proposal was to proceed: <ul style="list-style-type: none"> ○ Investigate potential flooding from the Hunter River. ○ Address the change impacts of rainfall increase, runoff intensities and sea level risk. ○ Address the resilience of infrastructure and site services to rising sea levels, and identify future works that might be required to maintain access and services to the site. ○ Undertake studies in accordance with advice from BCD and findings from the NSW Flood Inquiry 2022. ○ Undertake a longitudinal study with input from the community on lived experience to understand inundation. ○ Engage with DPI Fisheries and other agencies regarding impacts. Seek their approval for additional, appropriately sized flood gates to be installed, and commit to funding in perpetuity. ○ Demonstrate how development on the site will not adversely affect neighbouring residences.
Coastal Management	<p>Council</p> <ul style="list-style-type: none"> • Demonstrate consistency with Ministerial Direction 4.2 Coastal Management. • The site is identified on the draft Port Stephens Coastal Risk Map as subject to inundation. • The planning proposal must consider the provisions of the SEPP (Resilience and Hazards) 2021 for the planning proposal and subsequent future development for land to be identified on a Coastal Vulnerability Area (CVA) Map. <p>BCD</p> <ul style="list-style-type: none"> • The rezoning proposal is not consistent with Ministerial Direction 4.2 Coastal Management, which states that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land: <ul style="list-style-type: none"> ○ that has been identified as land affected by a current or future coastal hazard in a local environmental plan or

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

	COMMENTS AND REQUIREMENTS
	<p>development control plan, or a study or assessment undertaken:</p> <ol style="list-style-type: none"> by or on behalf of the relevant planning authority and the planning proposal authority, or by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority."
Bushfire	<p>NSW Rural Fire Service (RFS)</p> <ul style="list-style-type: none"> Provide a Bushfire Risk Assessment for the concept layout of the residential masterplan, addressing the requirements of Planning for Bushfire Protection 2019. Include strategic consideration of public road access in the locality and the interface between proposed and existing residential lands and the retained un-managed vegetation. Demonstrate Consistency with Ministerial Direction 4.3 Planning for Bushfire Protection. <p>Anna Bay Drainage Union</p> <ul style="list-style-type: none"> Much of the site is a peat swamp. On occasions, the peat has caught fire and burned for many weeks, travelling underground. Consideration of this fire risk during construction and occupation should be understood.
Acid Sulfate Soils	<p>Council</p> <ul style="list-style-type: none"> Demonstrate consistency with Ministerial Direction 4.5 Acid Sulfate Soils. <p>Anna Bay Drainage Union</p> <ul style="list-style-type: none"> The proposed development has the potential to significantly impact acid sulfate levels of the Main Drain and Tilligerry Creek. If consideration of the planning proposal was to proceed a study should be provided that: <ul style="list-style-type: none"> demonstrates acidification of soils would not expand or intensify. demonstrates drain water quality (in particular acidification), drain water volumes and the marine environment would not be adversely impacted by the proposed development during construction and occupation. Consideration should be given to known cumulative impacts (for example expansion of the nearby Latitude One development).

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

	COMMENTS AND REQUIREMENTS
Contamination	Council <ul style="list-style-type: none"> • A Preliminary Site Investigation Report (Contamination) is required. • Demonstrate Consistency with Ministerial Direction 4.4 Remediation of Contaminated Land.
TRANSPORT AND INFRASTRUCTURE	
Traffic and Transport	Council <ul style="list-style-type: none"> • Demonstrate Consistency with Ministerial Direction 5.1 Integrating Land Use and Transport. • Provide a Traffic and Transport Strategy. • Include consideration of the impact of the development on Nelson Bay Road, Old Main Road and Gan Gan Road. • Key infrastructure such as roundabouts, traffic signals and the like should be nominated in a site specific DCP. • Investigate the feasibility of road construction and emergency evacuation, specifically around Salt Bush Avenue, to ensure secondary access. • Confirm that the indicated long straight roads proposed would meet Austroad safety standards. • Direct access to Nelson Bay Road is expected to be problematic, particularly for north-bound traffic movements out of the site. Intersection treatments should be identified early for the proponent to consider obligation and associated cost. Transport for NSW <ul style="list-style-type: none"> • Provide a Traffic and Transport Strategy in accordance with the LEP Making Guideline.
Services	Council <ul style="list-style-type: none"> • Assessment of utility capacity and infrastructure capacity should be provided in an Infrastructure Servicing Strategy. • The development may require significant utility upgrades and extensions that require approval in a Development Application. • Consideration of provision of public open space should be provided consistent with the requirements of the DCP. • Undertake a Social Impact Assessment consistent with the LEP Making Guideline.

ITEM 3 - ATTACHMENT 3 SCOPING PROPOSAL ADVICE.

	COMMENTS AND REQUIREMENTS
	Hunter Water Corporation (HWC) <ul style="list-style-type: none"> HWC advises Council that they have provided a Preliminary Servicing Advice Letter to the proponent in response to the application.
Education	Department of Education (DoE) <ul style="list-style-type: none"> Growth can be accommodated within existing schools within the existing intake area for Anna Bay Primary School and Tomaree High School. Utilise the NSW Governments Movement and Place Framework (MAPF) and provision of bus-capable roads, to support the proposal and support access to local schools in the area. The MAPF's core 'Amenity and Use' and 'Primary Schools' Built Environment Indicators are of particular importance to DoE.
PRIMARY PRODUCTION	
Agriculture	DPI Agriculture <ul style="list-style-type: none"> The project site may not be considered biophysically high-quality agricultural land however, the area is capable and appears to be currently utilised for some agricultural purposes. The agricultural activities on the site appear to exist in harmony with, and adapt to, the site constraints, noting the site has drainage channels and is prone to flooding. Undertake a Land Use Conflict Risk Assessment (LUCRA), consistent with Strategy 9.6 of the HRP to identify potential impacts the proposal may impose on, or experience from, lawful agricultural land uses and activities in the vicinity, and detail effective mitigation measures.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Peter Francis left the meeting at 6:59pm.

ITEM NO. 4

FILE NO: 25/26685
EDRMS NO: PSC2023-04091-0002

COMMUNITY SUPPORT FUND – ROUND 2

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Community Support Funding to the amount of:
 - a) \$6,000 to Port Stephens FM Radio Inc. for generator installation to enable broadcasts to continue during power outages.
 - b) \$5,500 to The Yacaaba Centre Information and Counselling Service Incorporated to support Homeless individuals by providing food hampers, vouchers, counselling and housing assistance.
 - c) \$6,000 to the Lions Club of Raymond Terrace Inc. to install shade to the Riverside Park Playground in Raymond Terrace.
 - d) \$6,000 to New Life Community Relief Inc. for items that support their Friday Nights at the Terrace Project, which provide free weekly dinners to isolated and homeless individuals.
 - e) \$5,000 to Thou-Walla Family Centre to purchase play equipment and teaching resources for their Raymond Terrace Community Playgroup.
 - f) \$3,500 to The Scout Association of Australia NSW Branch for items and cooling at the Anna Bay Scout hall.
 - g) \$3,000 to Jupiter – Space to talk to provide a 6 week, two hour sessions to educate young people on the danger of Alcohol Other Drug (AOD) use.
-

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

009	<p>Councillor Jason Wells Councillor Ben Niland</p> <p>It was resolved that Council endorses the allocation of Community Support Funding to the amount of:</p> <ol style="list-style-type: none">a) \$6,000 to Port Stephens FM Radio Inc. for generator installation to enable broadcasts to continue during power outages.b) \$5,500 to The Yacaaba Centre Information and Counselling Service Incorporated to support Homeless individuals by providing food hampers, vouchers, counselling and housing assistance.
-----	---

MINUTES ORDINARY COUNCIL - 13 MAY 2025

	<ul style="list-style-type: none">c) \$6,000 to the Lions Club of Raymond Terrace Inc. to install shade to the Riverside Park Playground in Raymond Terrace.d) \$6,000 to New Life Community Relief Inc. for items that support their Friday Nights at the Terrace Project, which provide free weekly dinners to isolated and homeless individuals.e) \$5,000 to Thou-Walla Family Centre to purchase play equipment and teaching resources for their Raymond Terrace Community Playgroup.f) \$3,500 to The Scout Association of Australia NSW Branch for items and cooling at the Anna Bay Scout hall.g) \$3,000 to Jupiter – Space to talk to provide a 6 week, two hour sessions to educate young people on the danger of Alcohol Other Drug (AOD) use.
--	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the allocation of funding from Round 2 of the Community Support Fund 2025. Round 2 of the program opened on 3 February 2025 and closed on 3 March 2025.

The Community Support Fund aims to build sustainable local communities and improve the liveability and wellbeing of the Port Stephens community. This grant welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community needs.

The total amount of annual funding available is \$70,000 with \$35,000 available for Round 2. The assessment process was carried out in accordance with the funding guidelines. The assessment panel included Cr Francis, Cr Armstrong, Cr Errington, Cr Niland, the Mayor and 2 Vibrant Places Council Officers.

A total of 18 applications were received for this round of funding. Following the assessment panel review, 7 applications are recommended for funding.

A total of \$35,000 is recommended for funding. A summary of recommended applications is provided in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Provide the Community Financial Assistance Program

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$35,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds to successful applicants may not be expended or projects uncompleted and/or not acquitted.	Low	Adopt the recommendations. Manage the grant administration process as per the program guidelines.	Yes
There is a risk that unsuccessful applicants are displeased with Council decision-making.	Low	Adopt the recommendations. Assess applications in line with guidelines. Provide feedback and grant writing support to unsuccessful applicants.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will result in improved social outcomes for the Port Stephens community through opportunities to generate social connections and improvements for community wellbeing. The program is focused on providing direct funding to build the capacity of the community.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

The Community Support Fund is a part of the community Funding Program which is advertised all year round, as per the community funding guidelines.

INFORM	<p>Promotion of the Community Funding Program included a range of communication channels to reach the community:</p> <ul style="list-style-type: none">• Facebook posts on 3 February (3,653 views) and 24 February 2025 (2,776 views)• An Instagram post on 7 February 2025, reaching 426 views and generating 9 interactions• Featured in the 6 February 2025 editions of Community Notices in both the Examiner and News of the Area• A media release and news article published on 5 February 2025• A feature in the 3 February 2025 edition of YourPort <p>In addition, a direct email was sent to the MyLink database, which includes over 200 community and youth services, encouraging them to apply for funding and to share the opportunity within their networks.</p>
--------	--

Internal communications and engagement

Internal consultation on the projects was undertaken by the Communications Section. These stakeholders include:

- Governance Section.
- Facilities and Infrastructure Directorate.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Community Support Fund 2024-25 Round 2 Summaries.

COUNCILLOR'S ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 COMMUNITY SUPPORT FUND 2024-25 ROUND 2 SUMMARIES.

Organisation	Project	Project Summaries	Assessment
Port Stephens FM Radio Inc.	Generator installation	Port Stephens FM Radio Inc. are seeking funds to contribute to the cost for the installation of generator equipment to enable Port Stephens FM radio continue to broadcast during grid power outages.	\$6,000 Broad community benefit, with volunteers and other financial contributors to the project. Communication important in times of emergencies.
Yacaaba Centre Information and Counselling Service Incorporated	Pathways to Stability Program	The Yacaaba Centre is seeking funds to support homeless individuals. This project will enhance services for Homeless individuals, such as providing food hampers, vouchers, counselling and assistance with finding temporary and permanent housing.	\$5,500 Demonstrates collaboration with community and rising cost of living and homelessness requires this support.
Lions Club of Raymond Terrace Inc.	Riverside Park Playground Upgrade	Lions Club of Raymond Terrace are seeking funds to provide shade to the Riverside Park Playground in the Raymond Terrace area, which currently has no protection from sun or the weather.	\$6,000 Financial contribution from Lions Club to the project. Consultation with community highlights need for place based improvements in Raymond Terrace.
New Life Community Relief Inc.	Friday Nights @ The Terrace	New Life Community Relief are seeking funding for items that support their Friday Nights at the Terrace project, which provide free weekly dinners to anyone who is isolated, homeless or doing it tough. They are seeking the following items, inverter generator, bain-marie, um, jerry can	\$6,000 Well-developed application with clear budget and community outcomes. The equipment will benefit the whole LGA, as organisation provides free food to local people in need across Port Stephens.

ITEM 4 - ATTACHMENT 1 COMMUNITY SUPPORT FUND 2024-25 ROUND 2 SUMMARIES.

		and fuel to enhance capabilities of their existing trailer.	
Thou-Walla Family Centre	Raymond Terrace Community Playgroup	Thou-Walla Family Centre are seeking funds for their Raymond Terrace Community Playgroup at Raymond Terrace Public School, to purchase play equipment and other teaching resources for set up of the group. This is so they can make the group sustainable to continue to operate on an on-going basis.	\$5,000 Project includes access to support including Allied Health services. Thou Walla as a Schools As Community Centre (SACC) has demonstrated the successful delivery of programs to vulnerable children and families.
The Scout Association of Australia NSW Branch	Scouts equipment & hall cooling	The Scout Association of Australia NSW Branch would like to use funds for fold up chairs and harnesses for Scouts members and cooling for the Anna Bay Scout hall.	\$3,500 Community benefit to an asset that is utilised by an association of people of all ages. Demonstrates collaboration and delivers life skills.
Jupiter - Space to talk	Elevate	Jupiter – space to talk are seeking funding to provide a 6 week two hour sessions program designed to educate young people on dangers of Alcohol Other Drug (AOD) use. The sessions would provide creative and mindful activities, and also supports mental and emotional wellbeing, equipping participants with tools to better manage stress, anxiety and peer pressure.	\$3,000 Engagement with young people has shown that the biggest concern for young people is the mental health of young people. This program will address this need providing tools that are relevant to the individual and can be used to support their wellbeing into the future.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Giacomo Arnott returned to the meeting at 7:05pm.

Councillor Peter Francis returned to the meeting at 7:05pm.

Councillor Jason Wells left the meeting at 7:05pm.

ITEM NO. 5

FILE NO: 25/59778
EDRMS NO: PSC2014-01592

ABORIGINAL PROJECTS FUND

REPORT OF: JANELLE GARDNER - COMMUNICATIONS AND CUSTOMER
EXPERIENCE SECTION MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the allocation of Aboriginal Projects Funding to the amount of:
 - a) \$3,000 to the Port Stephens Netball Association for their Indigenous Voices: Celebrating Culture event.
 - b) \$6,000 to Tomaree Public School for an Aboriginal mural at the entrance to the school.
-

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

010	<p>Councillor Paul Le Mottee Councillor Ben Niland</p> <p>It was resolved that Council endorses the allocation of Aboriginal Projects Funding to the amount of:</p> <ol style="list-style-type: none">a) \$3,000 to the Port Stephens Netball Association for their Indigenous Voices: Celebrating Culture event.b) \$6,000 to Tomaree Public School for an Aboriginal mural at the entrance to the school.
-----	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of funding from the Aboriginal Projects Fund for 2 projects as recommended by Council's Aboriginal Strategic Committee. There were 4 applications in total.

The purpose of the Aboriginal Projects Fund is to support projects that empower and raise the profile of the Aboriginal community in Port Stephens through the delivery of programs, events and activities.

Applications for Round 2 opened on 3 February 2025 and closed on 3 March 2025.

The proposed projects meet the objectives of the fund as outlined below:

PROJECT NAME	ORGANISATION	DESCRIPTION OF PROJECT	AMOUNT
Indigenous Voices: Celebrating Culture	Port Stephens Netball Association	The project proposes to host a community day to highlight the cultural connections with Aboriginal and Torres Strait Islanders people with a BBQ for the day, provision of a program of Indigenous cultural activities through Worimi Land Council (Murrook) and have dance exhibitions. The project will invite Aboriginal businesses to set up stalls that showcase their businesses.	Requested: \$3,000 Amount Recommended: \$3,000
School entrance Mural	Tomaree Public School	This project aims to revitalise the entrance of Tomaree Public School by creating a culturally rich Aboriginal mural that celebrates Indigenous heritage and fosters a sense of inclusion and respect. The mural will showcase meaningful symbols, stories, and designs, creating an inspiring and welcoming environment for students, staff and visitors.	Requested: \$6,000 Amount Recommended: \$6,000

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Recognise and support local Aboriginal and Torres Strait Islander people	Implement the Yabang Gumba-Gu Agreement to recognise and support local Aboriginal and Torres Strait Islander people

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$9,000	
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's Grants and Donations Policy. The recommendations for funding also align with Council's relevant Funding Guidelines.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are not funded.	Low	Accept the recommendations.	Yes
There is a risk that grant recipients may fail to comply with the required terms of funding, reporting and acquittal processes.	Low	Applicants who have not acquitted previous projects will not be compliant to apply for further funding.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community and positively raise their profile. The proposed projects aim to achieve this through the facilitation of:

- Partnership and collaboration with community groups to raise the profile and empower Aboriginal people at community events.
- Employment of Aboriginal artist to raise the awareness and education of cultural learnings with students and government departments.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

The Aboriginal Strategic Committee, with members from both the Karuah and Worimi Local Aboriginal Land Council's assessed the applications and made the recommendations for Council to consider.

INFORM	<p>Promotion of the Community Funding Program included a range of communication channels to reach the community:</p> <ul style="list-style-type: none">• Facebook posts on 3 February (3,653 views) and 24 February 2025 (2,776 views)• An Instagram post on 7 February 2025, reaching 426 views and generating 9 interactions
--------	---

MINUTES ORDINARY COUNCIL - 13 MAY 2025

	<ul style="list-style-type: none">• Featured in the 6 February 2025 editions of Community Notices in both the Examiner and News of the Area• A media release and news article published on 5 February 2025• A feature in the 3 February 2025 edition of YourPort <p>In addition, a direct email was sent to the MyLink database, which includes over 200 community and youth services, encouraging them to apply for funding and to share the opportunity within their networks.</p>
--	--

Internal communications and engagement

The applications were assessed by Council's Aboriginal Strategic Committee.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Jason Wells returned to the meeting at 7:06pm.

ITEM NO. 6

FILE NO: 24/314137
EDRMS NO: PSC2017-00180

QUARTERLY BUDGET REVIEW TO 31 MARCH 2025

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the amended budget (**ATTACHMENT 1**) presented as the Quarterly Budget Review to 31 March 2025.

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

011	<p>Mayor Leah Anderson Councillor Ben Niland</p> <p>It was resolved that Council approve the amended budget (ATTACHMENT 1) presented as the Quarterly Budget Review to 31 March 2025.</p>
-----	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide an update to Council on the 2024 to 2025 budget. The Quarterly Budget Review to 31 March 2025 (**ATTACHMENT 1**) sets out the details of any variations between Council's current budget and the proposed budget.

Operating Budget

The Quarterly Budget Review to 31 March 2025 has shown an increase in revenue by \$1.617 million, which is largely due to the recognition of the Commonwealth Government Housing Delivery Program grant, reforecasting of investment portfolio returns and end of lease payments received within the investment property portfolio.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Operating expenditure increased by \$292,000 which is largely due the expenditure associated with the Housing Delivery Program grant.

Further information of the changes to the budget are outlined in the Operating Statement Variations as shown in **(ATTACHMENT 1)**.

Capital Budget

The capital budget increased by \$2.479 million largely due to the renewal of building assets and transport assets. These changes are predominately funded from external reserves.

Further information of the changes to the budget are outlined in the Capital Statement Variations as shown in **(ATTACHMENT 1)**.

Performance Indicators

All performance indicators are above the benchmark with the exception of cash restrictions. There is inadequate cash to cover all internal cash reserves due to insufficient unrestricted revenue. All external cash restrictions are adequately covered. Council continues to monitor the situation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Financial Management	Manage implementation of the Long Term Financial Plan 2024 to 2034.

FINANCIAL/RESOURCE IMPLICATIONS

Council's anticipated underlying result increased by \$453,000 to \$1,546,000. The movement from the original underlying result will be shown each quarter.

	Surplus (\$) 000	Deficit (\$) 000
Budget 2024 - 2025	844	
September 2024 review	1,079	
December 2024 review	1,093	
March 2025 review	1,546	

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that income and expenditure deviate from the budget which could impact on Council's ability to deliver its Operational Plan in a financially sustainable manner.	High	Periodic review and forecasting of the actual performance against the budget is undertaken regularly to ensure that approved expenditure levels and projected revenue streams remain sustainable.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and the provision of facilities and services to the community.

CONSULTATION

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

The following communication and engagement apply to this report.

External communications and engagement

	No external communications and engagement are required for this report.
--	---

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Financial Services Section to discuss the overall financial result for the quarter.

- The Executive Team.

OPTIONS

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Quarterly Budget Review - 31 March 2025.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.



**Report by Responsible Accounting Officer for the Quarter ending
31 March 2025**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter ended 31 March 2025 indicates that Council's projected financial position at 30 June 2025 will be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Glen Peterkin
Financial Services Section Manager
Port Stephens Council

Date: 11/04/2025

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Operating Statement

Result for the financial quarter ending 31 March 2025

	Original Budget 2024-2025 \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Revised Budget \$'000	Actuals YTD \$'000
Income from Continuing Operations							
Rates and annual charges	82,377	-	-	-	-	82,377	61,388
User charges and fees	62,594	-	169	615	(523)	62,855	46,414
Interest & Investment Revenue	2,649	-	360	-	800	3,809	3,126
Other Income	2,904	-	(239)	18	-	2,683	2,344
Grants & contributions for operating purposes	13,407	-	2,452	127	612	16,598	7,361
Capital Grants and Contributions	44,058	11,220	3,611	5,602	71	64,561	38,620
Other revenues	5,196	-	169	-	657	6,022	4,857
Fair value gains	903	-	-	-	-	903	-
Net gains from the disposal of assets	250	-	-	-	-	250	71
Total income from continuing operations	214,337	11,220	6,521	6,362	1,617	240,057	164,180
Expenses from continuing operations							
Employee benefits and on-costs	59,332	-	94	763	60	60,249	44,562
Borrowing Costs	3,421	-	47	-	-	3,468	2,612.88
Materials & services	70,777	-	2,985	(16)	232	73,978	53,762
Other Expenses	8,209	31	(12)	-	-	8,228	6,258
Depreciation and amortisation	21,792	-	-	-	-	21,792	15,287
Total expense from continuing operations	163,532	31	3,114	746	292	167,716	122,481
Operating Surplus/(Deficit) after capital grants	50,805	11,189	3,408	5,616	1,324	72,342	41,698
Operating Surplus/(Deficit) before capital grants	6,747	(31)	(203)	14	1,253	7,780	3,079
Less: Non-Cash Items and operating funding capital	(3,653)	-	-	-	(800)	(4,453)	(2,098)
Less: Local Election Allocation	500	-	-	-	-	500	418
Less: Enhanced Services	(1,400)	-	-	-	-	(1,400)	(1,050)
Add: Natural Disaster Costs	-	-	-	-	-	-	1,270
Add: Digital Transformation	-	-	469	-	-	469	-
Less: Consolidated Entities (**)	(1,350)	-	-	-	-	(1,350)	(1,013)
Underlying Operating Surplus/(Deficit)*	844	(31)	266	14	453	1,546	607

*Underlying result refers to performance measures that do not include abnormal, non-recurring events or transactions that are restricted for a capital purpose, providing a better representation of underlying financial performance without the impact of any unusual or extraordinary items.

** All income & expenditure (inc loans and borrowings costs) includes Councils consolidated portion of the Newcastle Airport. The consolidation is required by Australian Accounting Standards to represent Councils financial interests as a result of its 50% shareholding. As a corporate shareholder Council is entitled to financial returns however is not liable for the debts owed by Newcastle Airport

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Operating Statement Variations

Result for the financial quarter ending 31 March 2025

Income from Continuing Operations		Recommended Change	Explanation
		\$'000	
Rates and annual charges	-		
User charges and fees	(523)		Reduction in parking fee income due to delayed rollout
Interest & Investment Revenue	800		Investment income has been reforecast due to cash holdings and portfolio management
Other Income	-		
Grants & contributions for operating purposes	612		Funding for the Housing Delivery Program and Natural Disaster reimbursement
Capital Grants and Contributions	71		Funding for Lionel Morten Oval and the Knitting Circle memorial
Other revenues	657		End of lease payment in relation to investment property portfolio
Fair value gains	-		
Net gains/(loss) from the disposal of assets	-		
Total recommended income change	1,617		
Expenses from continuing operations			
Employee benefits and on-costs	60		Increased workforce hours for Housing Delivery Program
Borrowing Costs	-		
Materials & services	232		Expenditure side of the Housing Delivery Program grant offset by a reduction in parking meter expenditure due to delayed rollout
Other Expenses	-		
Depreciation and amortisation	-		
Total recommended expense change	292		

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Capital Statement

Result for the financial quarter ending 31 March 2025

	Original Budget	Revotes and Rollovers	September Review	December Review	March Review	Revised Budget	Actuals YTD
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Capital Funding (2)							
Grants and Contributions - Operating	1,081	-	250	-	-	1,331	158
Grants and Contributions - Capital	14,779	11,220	3,611	5,602	71	35,282	5,694
External Reserves	5,130	6,443	7,880	87	1,481	21,022	39,944
Internal Reserves	11,326	8,365	145	1,040	127	21,003	31,509
General fund contribution to capital	-	-	-	-	800	800	-
Funding available for capital expenditure	32,315	26,028	11,887	6,728	2,479	79,438	77,305
Capital Expenditure (2)							
New Assets							
Aquatic Structures	-	-	-	-	-	-	-
Buildings	-	-	-	-	-	-	-
Commercial Assets	-	-	-	-	-	-	-
Corporate Assets	-	-	-	-	-	-	-
Drainage	-	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-
Transport Infrastructure	-	6,051	3,820	150	-	10,021	3,311
Waste Assets	-	-	-	-	-	-	-
Asset Renewals (Replacement) and Upgrades (1)							
Aquatic Structures	50	447	466	42	-	1,005	84
Buildings	833	2,806	218	-	1,301	5,158	1,462
Commercial Assets	4,000	1,798	-	100	71	5,969	291
Corporate Assets	3,449	2,124	-	540	-	6,114	5,990
Drainage	1,370	1,507	89	-	-	2,966	312
Open Space	1,765	1,693	5,561	(12)	71	9,077	1,300
Transport Infrastructure	11,979	9,319	4,442	5,879	785	32,404	10,345
Waste Assets	-	285	270	30	251	836	-
Total Capital Expenditure	23,446	26,028	14,867	6,728	2,479	73,549	23,095
Transfer to/(from) reserves (3)	8,869	-	(2,980)	-	-	5,889	54,210

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets)

(2) Excludes Newcastle Airport and related entities

(3) Transfer to reserves are funds set aside for future use

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Capital Statement Variations

Result for the financial quarter ending 31 March 2025

Capital Expenditure New Assets	Recommended Change \$'000	Explanation
Aquatic Structures	-	
Buildings	-	
Commercial Assets	-	
Corporate Assets	-	
Drainage	-	
Open Space	-	
Transport Infrastructure	-	
Waste Assets	-	

Asset Renewals (Replacement) and Upgrades

Aquatic Structures	-	
Buildings	1,301	Building and information technology upgrades
Commercial Assets	71	Upgrades to commercial investment properties
Corporate Assets	-	
Drainage	-	
Open Space	71	Funding for Lionel Morten Oval and the Knitting Circle memorial
Transport Infrastructure	785	Future works planning for Civil projects
Waste Assets	251	Replacement of fleet

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Cash Reserve Balances

This statement sets out the budgeted reserve balances and funding source changes.

Reserve	Opening Balance \$'000	Transfers In \$'000	Original Budget \$'000	Revotes and Rollovers \$'000	September Review \$'000	December Review \$'000	March Review \$'000	Closing Balance \$'000	Actuals YTD \$'000
External Restriction (1)									
Domestic Waste	6,450	1,166	(200)	(285)	(320)	(30)	(251)	6,530	9,888
Crown Reserves	5,127	2,577	(3,000)	(2,299)	(168)	(27)	-	2,210	4,490
Developer Contributions	22,610	8,718	(1,757)	(2,231)	(7,680)	-	(1,229)	18,430	24,940
Crown - Surf Life Saving Clubs	-	53	-	-	-	-	-	53	49
Unexpended Grants Reserve	8,858	23,578	(10,144)	(12,849)	(3,741)	(5,631)	(71)	-	5,593
Total External Restriction	43,045	36,092	(15,101)	(17,664)	(11,909)	(5,688)	(1,552)	27,223	44,960
Internal Restriction (2)									
Bonds and Retentions	1,204	-	-	-	-	-	-	1,204	1,306
Administration Building Reserve	172	457	(250)	(237)	-	-	-	142	373
Asset Rehabilitation Reserve	1,624	4,969	(3,600)	(2,420)	(111)	-	-	462	3,833
Commercial Properties Reserve	3,305	2,243	(1,000)	(1,480)	(34)	(100)	573	3,506	5,439
Community Loans	200	-	-	-	-	-	-	200	200
Community Halls	79	76	-	-	-	(76)	-	79	138
Drainage Reserve	1,072	2,051	(1,350)	(1,112)	-	-	-	661	2,099
Election Reserve	500	(500)	-	-	-	-	-	-	610
Employee Leave Entitlements (ELE)	1,000	-	-	-	-	-	-	1,000	1,000
Enhanced Services Reserve	-	1,421	(1,421)	-	-	-	-	-	762
Federal Assistance Grant Reserve	4,026	(4,026)	-	-	-	-	-	-	1,749
Fleet Reserve	1,168	2,628	(2,199)	(873)	-	(540)	-	184	573
IT Reserve	1,715	1,447	(1,000)	(1,262)	-	-	-	900	2,223
Other Waste Services Reserve	-	176	-	-	-	-	-	176	493
Parking Meters Reserve	621	1,677	(80)	(21)	-	(400)	(387)	1,410	1,377
Repealed Funds Reserve	1,783	-	-	(764)	-	-	-	1,020	1,391
Roads / Environmental Reserve	221	679	(425)	(196)	-	-	-	280	777
Sustainable Energy & Water Reserve	26	-	-	-	-	-	-	26	46
Unexpended Loan Funds Reserve	-	-	-	-	-	-	-	-	-
Ward Funds Reserve	25	35	(60)	-	-	-	-	-	33
Emergency & Natural Disaster	4,868	2,132	-	-	-	-	-	7,000	5,313
Grant Co-Contribution Reserve	1,432	1,568	-	-	-	-	-	3,000	1,836
Resilience Fund	3,000	-	-	-	-	-	-	3,000	3,000
Total Internal Restriction	28,041	17,033	(11,386)	(8,365)	(145)	(1,116)	186	24,248	34,571
Total External and Internal Restrictions	71,087	53,125	(26,487)	(26,029)	(12,055)	(6,804)	(1,366)	51,471	79,531
Variance Cash Reserves to Bank Account									(116)
Timing Difference (relates to outstanding debtors)									568
Adjusted Unrestricted Cash/(Shortfall)									452

(1) Funds that must be spent for a specific purpose

(2) Funds that Council has designated for a specific purpose

(3) Excludes Newcastle Airport and related entities and 355c Committees Bank Accounts

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Performance Indicators ⁽¹⁾

Result for the financial quarter ending 31 March 2025

1. Operating performance ratio

1. Operating performance ratio	\$'000	Indicator	Benchmark	
Total continuing operating revenue excluding capital grants and contributions less operating expenses	2,066	1.94%	>0.00%	✓
Total continuing operating revenue excluding capital grants and contributions	106,623			
This ratio measures Council's achievement of containing operating expenditure within operating revenue.				

2. Debt service cover ratio

Operating result before capital excluding interest and depreciation/impairment/amortisation	20,979	13.87	>2.00x	✓
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	1,512			
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.				

3. Unrestricted Working Capital ratio

Total Current Assets less external restrictions	141,586	2.24	>1.5x	✓
Total Current Liabilities less external restrictions	63,253			
This ratio measures Council's ability to meet its short term obligations as they fall due.				

4. Cash expense ratio

Current year's cash and cash equivalents plus all term deposits	79,415	7.73	>3.00 mths	✓
Operating expenses less depreciation				
÷ YTD days	10,269			
This liquidity ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow.				

5. Rates and annual charges outstanding percentage

Rates and annual charges outstanding YTD	2,798	3.3%	<10.00%	✓
Rates and annual charges collectable	84,081			
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.				

6. Restricted Cash

External Restrictions	44,960		✗
Internal Restrictions	34,571		
Unrestricted / (Shortfall)	(116)		
	79,415		

⁽¹⁾ Excludes Newcastle Airport and related entities

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Contracts and Other Expenses

Result for the financial quarter ending 31 March 2025

Councillors are currently made aware of tenders of \$250,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest.

Part A: Contracts

Contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 31 March 2025 and;
- Have a value equal to or more than \$50,000.

Contractor	Contract Details and Purpose	Contract Value (inc GST)	Start Date	End Date	Budget (Y/N)
Stabilcorp Pty Ltd	Stabilisation Pre-Patching for Resurfacing (RFQ)	371,073.05	1/01/2025	31/12/2025	Y
Hunter Motor Group	Supply and Delivery of Small Fleet (RFQ)	72,939.30	20/01/2025	30/06/2025	Y
Data#3 Limited	Security software subscription	61,557.54	1/01/2025	30/06/2025	Y
Downer EDI Works Pty Ltd	TfNSW Reseals (LGP Contract)	74,524.08	6/02/2025	30/06/2025	Y
Newcastle Commercial Vehicles	Supply and Delivery of Small Fleet (LGP Contract)	149,719.99	25/02/2025	30/06/2025	Y
KJ Fitz Trading Pty Ltd	Project Management	101,640.00	25/02/2025	30/06/2025	Y
Boral Construction Materials Group Ltd	TfNSW Reseals (LGP Contract)	412,496.92	21/01/2025	30/06/2025	Y
Strategic Directions	Digital Strategy Implementation	103,400.00	28/02/2025	30/06/2025	Y
Audit Office Of New South Wales	Engagement of External Auditors	119,680.00	1/01/2025	30/06/2025	Y
AHG Newcastle Pty Ltd	Supply and Delivery of Small Fleet (RFQ)	54,824.10	3/03/2025	30/06/2025	Y
Downer EDI Works Pty Ltd	TfNSW Asphalt Resurfacing (LGP Contract)	629,156.70	7/03/2025	30/06/2025	Y
Walters Fencing (Aust) Pty Ltd	Brandy Hill Shared Path Handrail (RFQ)	143,071.50	13/03/2025	30/06/2025	Y
Finn Valley Plant & Civil Pty Ltd	Works on Bucketts Way Project	55,573.32	17/03/2025	30/06/2025	Y
Objective Corporation Limited	External file sharing application subscription	59,448.81	1/05/2025	30/04/2026	Y
Stuart & Dunn Office Supplies	Modification of Administration Building (RFQ)	82,512.10	21/03/2025	30/06/2025	Y
ASV Sales & Service Pty Ltd	Supply and Delivery of Heavy Fleet (LGP Contract)	287,727.00	25/03/2025	30/06/2025	Y
ANA Asphalt	Soldiers Point Road Asphalt (LGP Contract)	53,707.50	27/03/2025	30/06/2025	Y

ITEM 6 - ATTACHMENT 1 QUARTERLY BUDGET REVIEW - 31 MARCH 2025.
Part B: Consultancy and Legal Expenses

Report shows expenditure as at 31 March 2025 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Expense	March Review	
	YTD \$	Budget (Y/N)
	\$'000	
Consultants		
Holiday Parks	2	Y
Property Development	-	
Engineering	183	Y
Development Planning	-	
IT	29	Y
Environment	82	Y
Other	134	Y
Construction	1,043	Y
Total Consultancies	1,473	
Legal Fees		
Advice	21	Y
Litigation	90	Y
Total Legal Fees	111	
	YTD \$	
Expense - Litigation	\$'000	
Local Government Law	10	
Environmental Law	8	
Planning & Development Law	72	
Total Litigation Expense	90	

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Councillor Jason Wells left the meeting at 7:07pm.

ITEM NO. 7

FILE NO: 25/60763
EDRMS NO: PSC2005-2624

POLICY REVIEW - BUS SHELTER POLICY

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission (**ATTACHMENT 1**).
 - 2) Adopt the revised Bus Shelter Policy shown at (**ATTACHMENT 2**).
 - 3) Revoke the Bus Shelter Policy dated 27 September 2022, Minute No. 262.
-

ORDINARY COUNCIL MEETING - 13 MAY 2025 MOTION

012	<p>Councillor Ben Niland Councillor Rosalyn Armstrong</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submission (ATTACHMENT 1).2) Adopt the revised Bus Shelter Policy shown at (ATTACHMENT 2).3) Revoke the Bus Shelter Policy dated 27 September 2022, Minute No. 262.
-----	--

Those for the Motion: Mayor Leah Anderson, Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Bus Shelter Policy (policy) (**ATTACHMENT 2**).

The policy was placed on public exhibition for 28 days from 12 March 2025 to 9 April 2025. During this period 1 submission was received (**ATTACHMENT 1**). In response to this submission minor amendments were made including a new clause highlighting

MINUTES ORDINARY COUNCIL - 13 MAY 2025

an alternative approach to bus shelter provision through Council's existing Sponsorship Policy.

The intent of the policy is to allow community groups and private businesses to provide bus shelters for the Port Stephens Council community and use revenue gained from advertising to maintain the structure. Council resolution, Min No. 257, 10 December 2024 (**ATTACHMENT 3**) resulted in a broadening of the policy to allow private businesses to enter into this agreement with Council.

The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens while improving the comfort passengers. This policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.

This policy requires that community groups or private businesses to enter into a formal agreement with Council. The agreement shall document who is responsible for the installation and ongoing maintenance of the shelter, who will benefit from the advertising rights and who will own the shelter at the end of the agreement. Each agreement will vary, depending on the needs and abilities of the organisation involved.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

FINANCIAL/RESOURCE IMPLICATIONS

This policy review will not require any additional budget or resources for the provision of bus shelters. Requests for bus shelters under this policy are infrequent with costs able to be covered by the existing administration budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to accepting the recommendations

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will fail to meet legislative requirements for policy review resulting in community dissatisfaction.	Low	Adopt the recommendation.	Yes
There is a risk that bus shelters will not meet the requirements of the community in terms of type, safety, accessibility and placement resulting in reduced public transport patronage.	Low	Adopt the recommendation. Ensure that all new bus shelters meet Council's infrastructure specifications.	Yes
There is a risk that the community group or private business fail to maintain the bus shelters resulting in unsafe shelters for bus users.	Low	Adopt the recommendation. The agreement between Council and community group specifies who is responsible for maintenance and documents the expectation. Council also monitors the condition of all bus shelters.	Yes
There is a risk that the advertising on the bus shelter is considered inappropriate to the community leading to reputation damage to Council.	Low	Adopt the recommendation. The agreement between Council and community group/private business specifies the type of advertising to ensure that is not offensive or against the vision or values of the organisation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continuing provision of bus shelters funded by community groups or private business increases the number of transport assets for our community and visitors. This in turn improves passenger comfort and safety.

Non Council owned assets have been historically well maintained as the community group/private business have pride and ownership in the asset.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy was placed on formal public exhibition for 28 days, 1 submissions was received (ATTACHMENT 1).
---------	--

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section:

- Financial Services Section.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Public Exhibition - Submission.
- 2) Bus Shelter Policy.
- 3) Council Resolution, Min No. 257, 10 December 2024.

COUNCILLORS' ROOM/DASHBOARD

- 1) Copy of full submission.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 PUBLIC EXHIBITION - SUBMISSION.

Policy Review – Bus Shelter Policy

No.	Author of submission	Comment	Council response
1	Resident	<p>Holds the opinion that bus shelters should not be fobbed off for community groups to maintain etc, even though they benefit from advertising.</p> <p>In resident opinion, advertising signage are plain ugly. And shelters should be provided by Council, maintained by Council and replaced by Council. Local Lions Club volunteers have minimal members who have to take responsibility.</p> <p>Suggestion for a program to fund murals at all bus shelters. Additionally, all shelters should be painted the same colour (suggesting blue for the ocean) and Council officers to carry with them on every truck with painting tools to paint over any graffiti that appears.</p> <p>Advises opinion of the 'policy' is outdated and should be reviewed completely for which they do not, and never have supported the existing policy and is plain lazy on Council's part. Notes other Shires give priority to maintenance and provisions of shelters and they provide positive image for tourism industry and we can do better.</p>	<p>The purpose of the policy is to enable the businesses and community groups that wish to provide, maintain and enjoy the benefits of potential advertising upon bus shelter infrastructure the opportunity to do so.</p> <p>Community groups who may wish to simply donate funds towards bus shelter infrastructure and not accept the maintenance nor advertising opportunities may do so under Council's Sponsorship Policy. Policy content has been added to the subject Policy to highlight the Sponsorship Policy</p> <p>The provision of murals, colour changes, graffiti removal and opinions on the attractiveness of bus shelter advertising are noted but out of scope for the subject Policy.</p>

Policy



FILE NO: PSC2005-2646
TITLE: BUS SHELTER POLICY
OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The Bus Shelter Policy purpose is to provide the guidelines for Council to enter into an agreement with community groups and private businesses to enable the provision of bus shelters for the community, and public transport patrons.
- 1.2 This policy and related documents will also allow the display of advertising on bus shelters in accordance with Council's document: Bus Shelter Advertising Application Form – Terms & Conditions which seeks to provide a source of funding which can be invested back into maintaining and providing Bus Shelter Infrastructure across the Local Government Area.
- 1.3 The community group or private businesses will be responsible for the installation, maintenance, cleaning, replacement or removal and care of the shelter.
- 1.4 The community group or private businesses will be able to advertise on bus shelters they install to generate an income source to provide the ongoing cleaning and maintenance service.

2. CONTEXT/BACKGROUND:

- 2.1 The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens providing shelter and comfort of to bus passengers. This policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.
- 2.2 Installation of the privately funded shelters has generally been initiated by community groups and has resulted in more shelters being installed in the local area.

3. SCOPE:

- 3.1 Council is responsible for controlling and monitoring activities being undertaken in its road reserves.
- 3.2 Community groups and private businesses can assist Council in the provision of bus shelter infrastructure within the road reserve in accordance with Council requirements.
- 3.3 Council will have clear and consistent guidelines regarding the provision of transport related infrastructure by other bodies or organisations.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au





Policy

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Bus Shelter	A roofed structure for people to wait in at a bus stop.
-------------	---

5. STATEMENT:

- 5.1 Council's intent is to allow community groups and private businesses to provide bus shelters for the Port Stephens community and to use the revenue gained from advertising on the shelters to pay for the capital and ongoing maintenance costs.
- 5.2 Priority for the provision of transport infrastructure shall be determined based on an assessment of the existing standard of transport infrastructure in the vicinity.
- 5.3 Once priorities are confirmed, expressions of interest for the supply and erection of appropriately designed bus shelter structures will be sought through Council's normal procurement process.
- 5.4 Community groups or private businesses will retain ownership and associated advertising rights of any bus shelters constructed by them and will be required to enter into a formal agreement with Council.
- 5.5 From time to time Council will purchase bus shelters. Council will retain the ownership and associated advertising rights of any bus shelters constructed by them.
- 5.6 Council reserves the right to favour offers from external providers that will promote community involvement and enhance community ownership of public infrastructure.
- 5.7 Bus shelters shall conform to Council Design requirements and shall be compliant with the Commonwealth Disability Discrimination Act 1992.
- 5.8 As an alternative to clause 5.4, entities may wish to consider a sponsorship agreement towards a Council owned, maintained and managed bus shelter under Council's Sponsorship Policy should financial or in-kind contributions be offered in return for the right to be associated with a project or activity.

6. RESPONSIBILITIES:

- 6.1 The key position **Civil Assets Manager** is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on this policy. ~~is the Civil Assets Manager.~~

7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993 (NSW).
7.2 Local Government Act 1993 (NSW).
7.3 Port Stephens Council Code of Conduct.





Policy

- 7.4 **Port Stephens Council Information** and Direction Signs in Road Reserves Policy.
- ~~7.5 Sustainable Procurement.~~
- 7.5 **Port Stephens Council** Public Art Policy and Guidelines.
- 7.6 Commonwealth Disability Discrimination Act 1992 (Cth).
- 7.7 Disability Standards for Accessible Public Transport 2002 (Cth).
- 7.8 **Port Stephens Council** Bus Shelter Advertising Application Form – Terms & Conditions.
- 7.9 **Port Stephens Council Sponsorship Policy**.

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: www.portstephens.nsw.gov.au .			
EDRMS container No.	PSC2005-2646	EDRMS record No.	TBC
Audience	Community, Assets Section, Civil Assets, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Civil Assets Manager		
Review timeframe	3 4 years	Next review date	TBC
Adoption date	25 Nov 2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25 Nov 2014	Civil Assets Planning Manager	Adopted	319
2	28 Aug 2018	Civil Assets Planning Manager	Created in New Policy Template & Global Review with following changes 1.2 & 1.2 – Reworded to improve purpose. 2.1 – Removal of sentence. 7.1, 7.2 & 7.6 - Additional Related Documents.	270

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Policy



Version	Date	Author	Details	Minute No.
			7.3 – Removal of Related Document. Adopted By Council.	
3	28 Aug 2020	Civil Infrastructure Engineer and Civil Assets Manager	<p>Updated to 2019 Policy Template including global review of policy and following changes:</p> <p>1.1 & 1.2 – Reworded to improve sentence structure.</p> <p>1.3 & 1.4 – Addition of two new purposes.</p> <p>2.1 – Removal of words 'and' and 'existing'.</p> <p>2.2 – Reworded to improve sentence structure.</p> <p>3.2 – Deleted previous Clause 3.2 – no longer relevant.</p> <p>3.3 - Replaced with digits 3.2 to align with correct formatting and deleted wording 'as mutually agreeable' and replaced with 'in accordance with Council requirements'.</p> <p>3.4 – Replaced with digits 3.3 to align with correct formatting.</p> <p>4.1 – Formatting update to new template. Removed word 'under', replaced with 'in'.</p> <p>5.1 – Removal of word 'for' replaced with 'to allow' and removal of word 'cost' in sentence.</p> <p>5.2 - Deleted as no longer relevant</p> <p>5.3 – Replaced with digits 5.2 to align with correct formatting. Point 'a.' removed and point 'b.' now forming part of the sentence following 5.2.</p> <p>5.4 – Replaced with digits 5.3 to align with correct formatting.</p> <p>5.5 – Replaced with digits 5.4 to align with correct formatting.</p> <p>5.6 – Replaced with digits 5.5 to align with correct formatting and new sentence added.</p>	162

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Policy



Version	Date	Author	Details	Minute No.
			5.7 – Addition of the year the Act was executed '1992'. 6.1 – Removal of sentence and replaced with updated version and position title. 7.7 & 7.8 – Additional Related Documents.	
4	27 Sept 2022	Civil Assets Manager	Created in New Policy Template & Global Review with following changes 1.1, 1.2, 1.3, 1.4 – Reworded to improve purpose. 1.2 – Reworded to match current reference document. 7.4 – Updated name of document. 7.6 – Updated name of document.	262
5	TBC	Asset Section Manager & Civil Assets Manager	1.1, 1.3, 1.4, 3.2, 5.1, 5.4 – added "private businesses". 6.1 – Reworded to improve content. 5.8 – Added clause referencing Sponsorship Policy and added to relevant documents. 7 – Related documents updated to reflect owners. Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.	TBC

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 7 - ATTACHMENT 3 COUNCIL RESOLUTION, MIN NO. 257, 10 DECEMBER 2024.**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2024**

Councillor Jason Wells left the meeting at 6:21pm.

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 24/317741****EDRMS NO: PSC2024-03148****BUS SHELTERS IN PORT STEPHENS****COUNCILLOR:** BEN NILAND**THAT COUNCIL:**

- 1) Requests the General Manager report back to Council with an updated Bus Shelter Policy that encourages private companies to fund standard design bus shelters throughout the LGA in exchange for advertising space. Once the Policy is adopted, seek an expression of interest to the open market to gauge interest.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2024
MOTION**

257	Councillor Ben Niland Councillor Chris Doohan It was resolved that Council requests the General Manager report back to Council with an updated Bus Shelter Policy that encourages private companies to fund standard design bus shelters throughout the LGA in exchange for advertising space. Once the Policy is adopted, seek an expression of interest to the open market to gauge interest.
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Amott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Nil.

The motion was carried.

ITEM 7 - ATTACHMENT 3 COUNCIL RESOLUTION, MIN NO. 257, 10 DECEMBER 2024.**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2024****BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER****BACKGROUND**

The purpose of this report is to provide background information for this Notice of Motion.

Bus shelters play an important part in increasing public transport patronage in Port Stephens providing shelter and comfort for bus passengers.

Council currently has an existing adopted Bus Shelter Policy that allows for community groups to install, maintain and clean, amongst other responsibilities. In return, they are able to allow advertising to recoup monies to pay for capital cost of the shelter and ongoing responsibilities. The existing Policy, as currently adopted, is aimed at community groups and does not allow for private entities to be part of this scheme.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds			
Developer Contributions (\$7.11)			
External Grants			
Other			

ATTACHMENTS

Nil.

Councillor Jason Wells returned to the meeting at 7:08pm.

ITEM NO. 8

FILE NO: 25/89810
EDRMS NO: PSC2013-02870

**POLICY REVIEW - CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES
POLICY**

REPORT OF: JOHN MARETICH - ASSETS SECTION MANAGER
DIRECTORATE: FACILITIES AND INFRASTRUCTURE

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission **(ATTACHMENT 1)**.
- 2) Revoke the Closed Circuit Television (CCTV) in Public Places Policy dated 26 October 2021, Minute No. 287
- 3) Adopt the revised Closed Circuit Television (CCTV) in Public Places Policy shown at **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

013	<p>Councillor Paul Le Mottee Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submission (ATTACHMENT 1).2) Revoke the Closed Circuit Television (CCTV) in Public Places Policy dated 26 October 2021, Minute No. 2873) Adopt the revised Closed Circuit Television (CCTV) in Public Places Policy shown at (ATTACHMENT 2).
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the revised Close Circuit Television (CCTV) In Public Places Policy (policy) (**ATTACHMENT 2**).

The policy was placed on public exhibition for 28 days from 12 March 2025 to 9 April 2025. During this period 1 submission was received (**ATTACHMENT 1**).

Council own and operate a number of closed circuit television (CCTV) networks across our Local Government Area. CCTV systems are subject to legislative requirements, guidelines and standards for their installation, operation and management. The intent of this policy is to provide a framework to assist Council in establishing and operating CCTV in public places.

This policy supports the Workplace Surveillance Policy which provides the framework for establishing and operating CCTV in workplace settings.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2024-2034

FINANCIAL/RESOURCE IMPLICATIONS

The operation and maintenance of Council CCTV network is budgeted within Council's plant and fleet operational costs. Any system expansions are considered on merit and prioritised against other asset needs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council's CCTV network is subject to legislative requirements, guidelines and standards for installation, operation and management primarily associated with the Privacy and Personal Information Protection Act 1998.

The NSW Government provides guidance through their Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places. The revised policy has regard for this guidance.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the CCTV network is not functional leading to required footage being unavailable	Medium	Adopt the recommendations.	Yes
There is a risk that CCTV footage is inappropriately released leading to a data breach	Medium	Adopt the recommendations.	Yes
There is a risk that CCTV management and operations do not meet the legislative requirements leading to unlawful facilities.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy proposes a management framework and responsibilities for CCTV operation that achieves community safety aims whilst preserving privacy and civil rights for individuals and the community in line with statutory requirements.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

CONSULT	The policy was placed on formal public exhibition for 28 days, 1 submission of support was received (ATTACHMENT 1).
---------	--

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the Assets Section:

- Governance Section.
- Organisation Support Section.
- Facilities and Infrastructure Directorate.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Public Exhibition - Submission.
- 2) Closed Circuit Television (CCTV) in Public Places Policy.

COUNCILLORS' ROOM/DASHBOARD

- 1) Copy of full Submission.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 PUBLIC EXHIBITION - SUBMISSION.

Policy Review – Closed Circuit Television (CCTV) in Public Places.

No.	Author of submission	Comment	Council response
1	Resident	Supports the policy. Would love to see CCTV in park behind Chifley Drive Raymond Terrace to capture the unlicensed trail bikes riding at high speeds tearing up the grass, occurring almost every afternoon. Suggest this would be a good way to catch offenders with video proof.	Support of policy is noted. The request for CCTV will be considered as Customer Request.

ITEM 8 - ATTACHMENT 2 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.

Policy



FILE NO: **PSC2013-02870**

TITLE: **CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES**

OWNER: **ASSETS SECTION MANAGER**

1. PURPOSE:

- 1.1 This policy has been developed to provide a framework to assist Council in establishing and operating Closed Circuit Television (CCTV) in response to local community safety concerns in accordance with the aspirations of the Community Strategic Plan.

2. CONTEXT/BACKGROUND:

- 2.1 CCTV systems are subject to complex legislative requirements, guidelines and standards for their installation, operation and management. In 2000, the NSW Government established guidelines around the installation and use of CCTV in public places. Revised in 2014, these guidelines (NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places) provide the policy framework and following set of underlying principles to assist agencies considering the use and management of CCTV.
- 2.2 CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy. CCTV is not recommended as an isolated response to addressing crime in public place.
- 2.3 CCTV can bring benefits to the community through reduction in crime, which can lead to enhanced perceptions of safety in a particular area. CCTV programs that have the greatest impact on crime in a local area are those implemented as one of a suite of crime prevention measures as opposed to a stand-alone crime prevention intervention.

3. SCOPE:

- 3.1 This policy applies to the implementation, operation and management of CCTV installed on Council assets observing public places.
- 3.2 The implementation, operation and management of CCTV observing non-public places is addressed separately under the Workplace Surveillance Policy of the relevant workplace.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 8 - ATTACHMENT 2 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.



Policy

4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

CCTV	An initialisation meaning Means “closed circuit television”. It is a system that transmits images data within a closed system to a specific location. The CCTV system is made up of cameras, monitors, recorders, interconnecting hardware, software and supporting infrastructure.
Law Enforcement Agency	Means any of the following: <ul style="list-style-type: none"> • The NSW Police Force or the Ppolice. Force of another State or a Territory. • The New South Wales Crime Commission. • The Australian Federal Police. • The Australian Crime Commission. • The Director of Public Prosecutions of New South Wales, of another State or a Territory, or of the Commonwealth. • The Department of Justice. • The Office of the Sheriff of New South Wales.

5. STATEMENT:

- 5.1 Council’s objectives for using CCTV are to reduce crime levels by deterring potential offenders, to reduce fear of crime, to increase perceptions of safety and to assist in the prosecution of offenders by providing Ppolice with recorded material.
- 5.2 The implementation of CCTV must be part of an integrated, multi-agency approach to crime control and community safety.
- 5.3 Council will maintain and operate the CCTV schemes with due regard for the privacy and civil rights of individuals and the community.
- 5.4 Council will consult with communities when considering establishing or significantly expanding a public area CCTV schemes.
- 5.5 Council will develop and review procedures to cooperate and share information with the NSW Police Force.
- 5.6 Council will ensure that any record made as a result of surveillance will not be used or disclosed unless the disclosure is to a member or officer of a law enforcement agency (e.g. Ppolice) for use in connection with the detection, investigation or prosecution of an offence or to avert an imminent threat of serious violence or of substantial damage to property.
- 5.7 Council will manage all complaints relating to CCTV systems in accordance with our Complaint Handling Policy.
- 5.8 Non-Council owned and operated CCTV infrastructure is prohibited on any Council facilities or assets, unless specifically documented within a licensing agreement.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council’s website www.portstephens.nsw.gov.au



ITEM 8 - ATTACHMENT 2 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.



Policy

6. RESPONSIBILITIES:

6.1 The following key positions within Council are responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

Civil Assets Manager & Fleet Management Supervisor	<ul style="list-style-type: none"> • CCTV asset class owners, responsible to manage the lifecycle of the asset class. • Ensure staff, contractors and consultants involved with CCTV are adequately trained and inducted into the policies and other applicable policies and procedures. • Arrange compliance audits of public CCTV.
Civil Assets Manager, Senior Civil Infrastructure Engineer & Civil Infrastructure Engineer Officer	<ul style="list-style-type: none"> • Oversee day to day management, maintenance and operation of the CCTV system. • Develop, implement and on-going review of standards and standard operating procedures to ensure compliance. • Responsible for CCTV footage viewing and download requests • Financial budgeting for Public CCTV.
Governance Section Manager, Governance Coordinator & Governance Officer	<ul style="list-style-type: none"> • Provide advice on any on-going reviews of standards and standard operating procedures to ensure compliance. • Responsible for CCTV GIPA requests. • View footage for the GIPA requests.
Strategy & Environment Section Manager Emergency Management Coordinator	<ul style="list-style-type: none"> • Liaise with the NSW Police and the Business Community to determine CCTV needs. • Develop and manage the MOU with the NSW Police.
ICT Maintenance & Support Coordinator Manager	<ul style="list-style-type: none"> • Assist with CCTV footage viewing and download GIPA requests.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM 8 - ATTACHMENT 2 CLOSED CIRCUIT TELEVISION (CCTV) IN PUBLIC PLACES POLICY.



Policy

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council and Local Area Command CCTV Memorandum of Understanding (2021).
- 7.2 Port Stephens Council and Port Stephens Hunter Police District Memorandum of Understanding (2020).
- 7.3 NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) (2005).
- 7.4 Australian Standard AS 4806.1 – 2006, Closed circuit television (CCTV), Part 1: Management and operation.
- 7.5 Port Stephens Council Workplace Surveillance Policy.
- 7.6 Government Information (Public Access) Act 2009 (NSW).
- 7.7 Local Government Act 1993 (NSW).
- 7.8 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.9 Privacy and Personal Information Protection Regulation 2014 (NSW).
- 7.10 Security Industry Act 1997 (NSW).
- 7.11 Crimes Act 1900 (NSW).
- 7.12 Workplace Surveillance Act 2005 (NSW).
- 7.13 State Records Act 1998 (NSW).

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: www.portstephens.nsw.gov.au .			
EDRMS container No.	PSC2013-02870	EDRMS record No.	TBA
Audience	Staff		
Process owner	Assets Section Manager		
Author	Civil Assets Manager		
Review timeframe	3-years 4 years	Next review date	TBA
Adoption date	26 October 2021		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26 October 2021	Civil Asset Manager	First Version.	287
2	TBC	Civil Asset Manager	Policy reviewed and updated to current template. 1.1 - Removed wording to	TBC

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Policy



			<p>better reflect definition.</p> <p>2.1 – Removed – complex.</p> <p>4.1 – Reworded CCTV meaning.</p> <p>5.8 – Additional clause.</p> <p>6.1 – Updated titles in Responsibilities.</p> <p>7. Related documents updated to reflect owners.</p> <p>Amended review timeframe to 4 years in accordance with Council's policy and management directive review process.</p>	
--	--	--	---	--

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



ITEM NO. 9**FILE NO: 25/90584
EDRMS NO: PSC2024-03158****REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral Funds and Ward Funds to the following:-
 - a) Rotary Club of Medowie-Williamstown – Mayoral funds - \$3,500 donation towards Junior Schools Writing Competition.
 - b) Anna Bay Landcare Group – Central Ward funds - \$2,000 donation towards installation of sandstone blocks at Anna Bay Skate Park.
-

**ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

014	<p>Councillor Jason Wells Councillor Peter Francis</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral Funds and Ward Funds to the following:-</p> <ol style="list-style-type: none">a) Rotary Club of Medowie-Williamstown – Mayoral funds - \$3,500 donation towards Junior Schools Writing Competition.b) Anna Bay Landcare Group – Central Ward funds - \$2,000 donation towards installation of sandstone blocks at Anna Bay Skate Park.
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as

MINUTES ORDINARY COUNCIL - 13 MAY 2025

deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:

MAYORAL FUNDS

Rotary Club of Medowie-Williamstown	Rotary is a group of women and men who share a common purpose of wanting to help others and their community.	\$3,500	Donation towards prizes, certificates and presentation event for Junior Writing Competition.
-------------------------------------	--	---------	--

WARD FUNDS

Anna Bay Landcare Group	A dedicated group of volunteers who maintain and tidy various areas around Anna Bay.	\$2,000	Donation towards installation of sandstone blocks at Anna Bay Skate Park.
-------------------------	--	---------	---

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Provide the Community Financial Assistance Program

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The Policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

COMMUNICATION AND ENGAGEMENT

Council's Communication and Engagement Strategy uses the IAP2 Framework to identify the level of engagement undertaken. An explanation for each level is shown below.

INFORM	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.
CONSULT	To obtain public feedback on analysis, alternatives and/or decisions.
INVOLVE	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
COLLABORATE	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
EMPOWER	To place final decision-making and/or developed budgets in the hands of the public.

The following communication and engagement applies to this report.

External communications and engagement

INFORM	Community members are advised of the outcome of their application.
--------	--

Internal communications and engagement

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been undertaken with key stakeholders to ensure budget requirements are met and approved.

OPTIONS

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10**FILE NO: 25/90586
EDRMS NO: PSC2024-03232****INFORMATION PAPERS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 13 May 2025.

No:	Report Title	Page:
1	Cash and Investment Portfolio - March 2025	177
2	Designated Persons' Return	187
3	Delegations Report	188
4	Council Resolutions	190

**ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

015	Councillor Ben Niland Councillor Peter Francis It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 13 May 2025. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Cash and Investment Portfolio - March 2025</td></tr><tr><td>2</td><td>Designated Persons' Return</td></tr><tr><td>3</td><td>Delegations Report</td></tr><tr><td>4</td><td>Council Resolutions</td></tr></table>	No:	Report Title	1	Cash and Investment Portfolio - March 2025	2	Designated Persons' Return	3	Delegations Report	4	Council Resolutions
No:	Report Title										
1	Cash and Investment Portfolio - March 2025										
2	Designated Persons' Return										
3	Delegations Report										
4	Council Resolutions										

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 24/314352
EDRMS NO: PSC2017-00180**

CASH AND INVESTMENT PORTFOLIO - MARCH 2025

REPORT OF: GLEN PETERKIN - FINANCIAL SERVICES SECTION MANAGER
DIRECTORATE: CORPORATE STRATEGY AND SUPPORT

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 March 2025.

Council's total portfolio of investments was \$74.65 million with an additional \$4.77 million held in Council's operational account as at 31 March 2025.

The investment portfolio meets the benchmarks for product type, rating exposure and maturity limits but is outside the benchmark in relation to institution exposure. As at 31 March 2025 Council held 1% more cash with Rabobank (A rated) than the benchmark allows. Cash flow requirements has reduced the overall portfolio size however at the time of the investments with Rabobank all benchmark requirements were met. No further investments with Rabobank will be placed until the single institution limit has improved.

The investment portfolio is currently yielding 5.40% per annum on a rolling 1- year performance, which was 0.95% above the benchmark with investment income on target to meet or exceed budget.

Council has sufficient cash to cover all reserves.

ATTACHMENTS

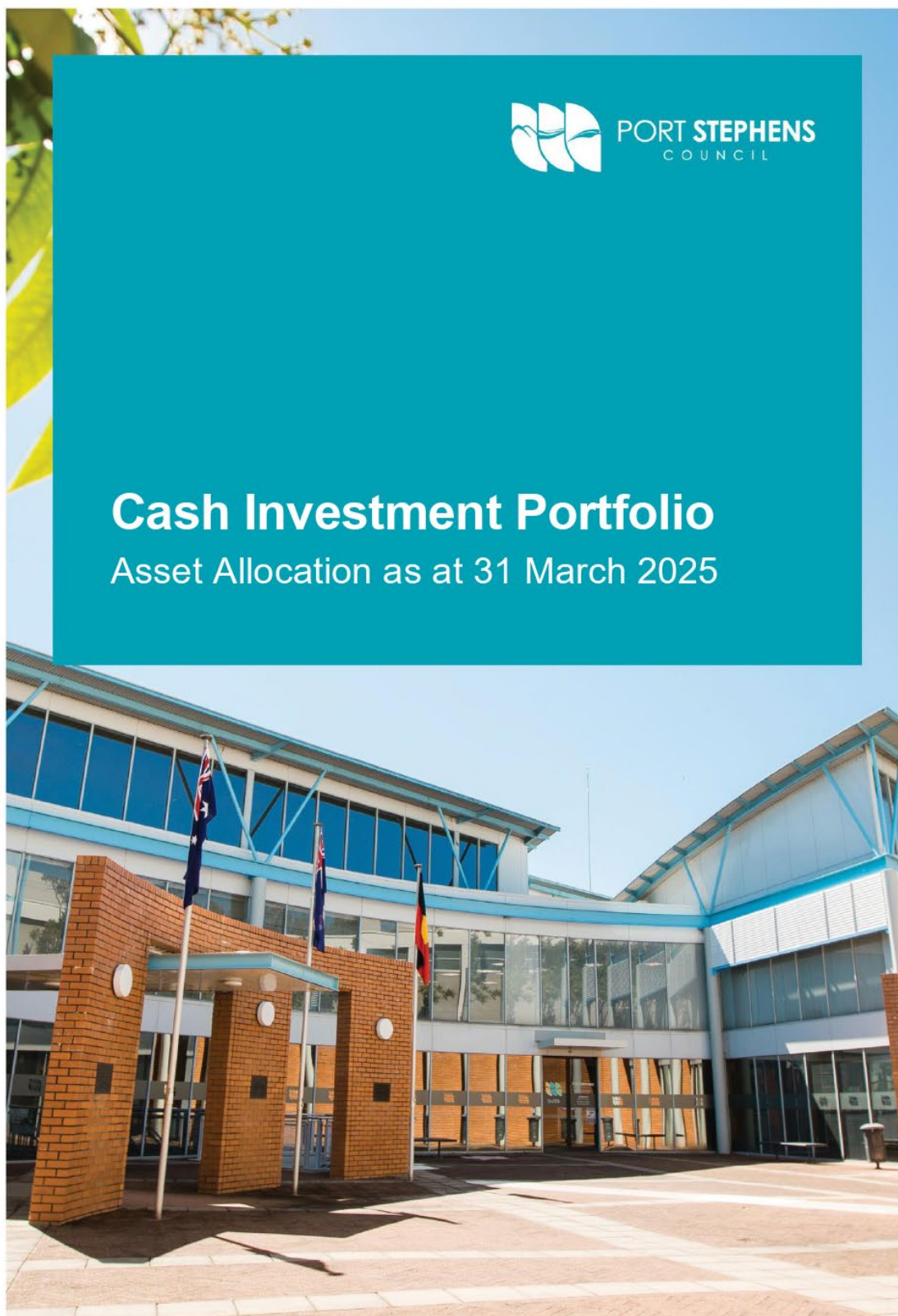
1) Cash and Investment Report - March 2025.

COUNCILLORS' ROOM/DASHBOARD

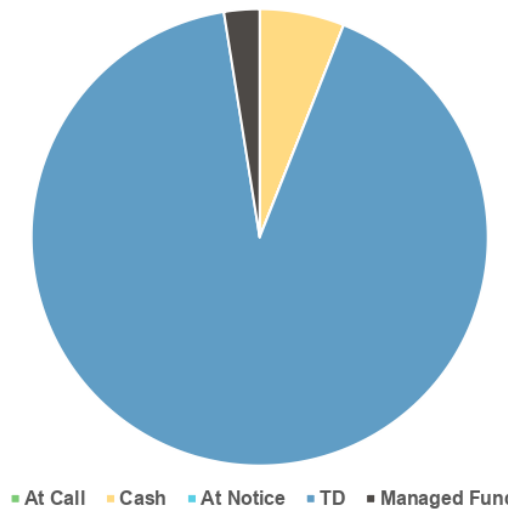
Nil.

TABLED DOCUMENTS

Nil.



Cash Investment Portfolio Holdings

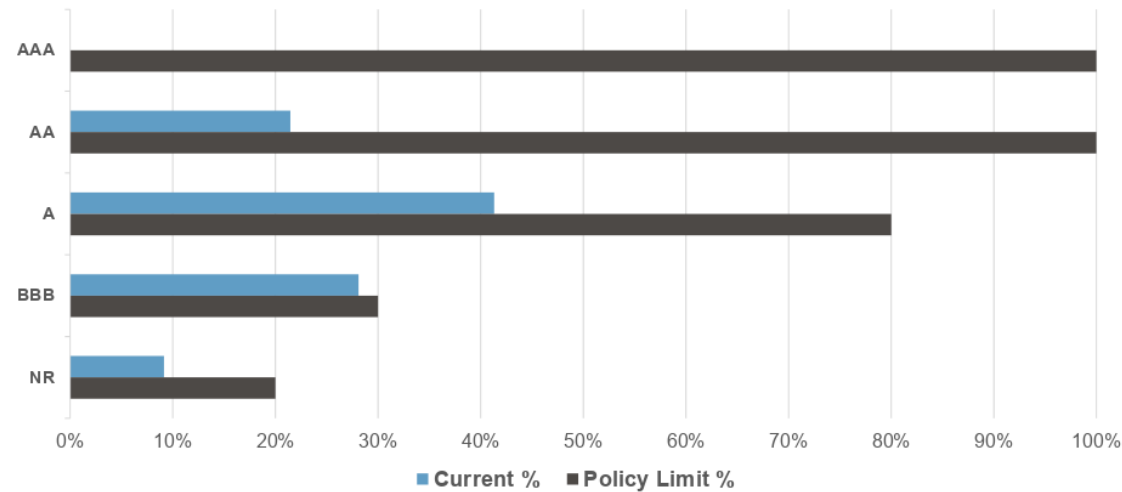


Product Type	Market Value (\$)	Within Policy
At Call	-	
Cash	4,767,143	✓
At Notice	-	
TD	72,651,037	✓
Managed Fund	1,996,564	✓
	79,414,744	

✓ = Yes
✗ = No

Rating Exposure

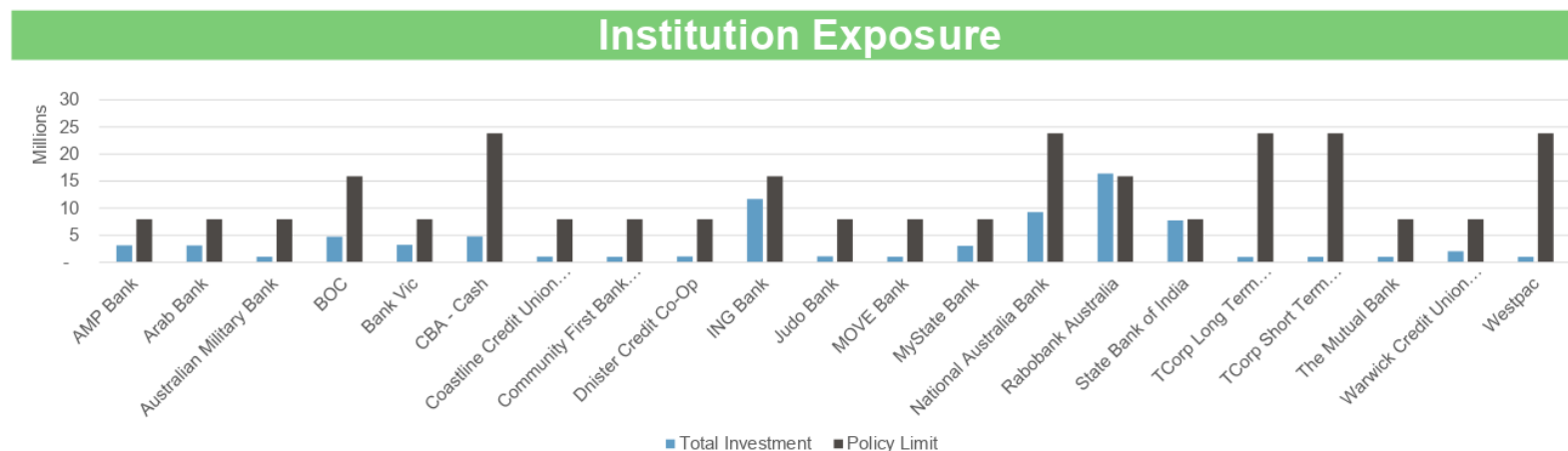
Total Credit Exposure



Credit Rating Group	Market Value (\$)	Current %	Policy Limit %	Within Policy
AAA	-	0%	100%	✓
AA	17,042,074	21%	100%	✓
A	32,805,989	41%	80%	✓
BBB	22,313,520	28%	30%	✓
NR	7,253,161	9%	20%	✓
	79,414,744	100%		

✓ = Yes

✗ = No

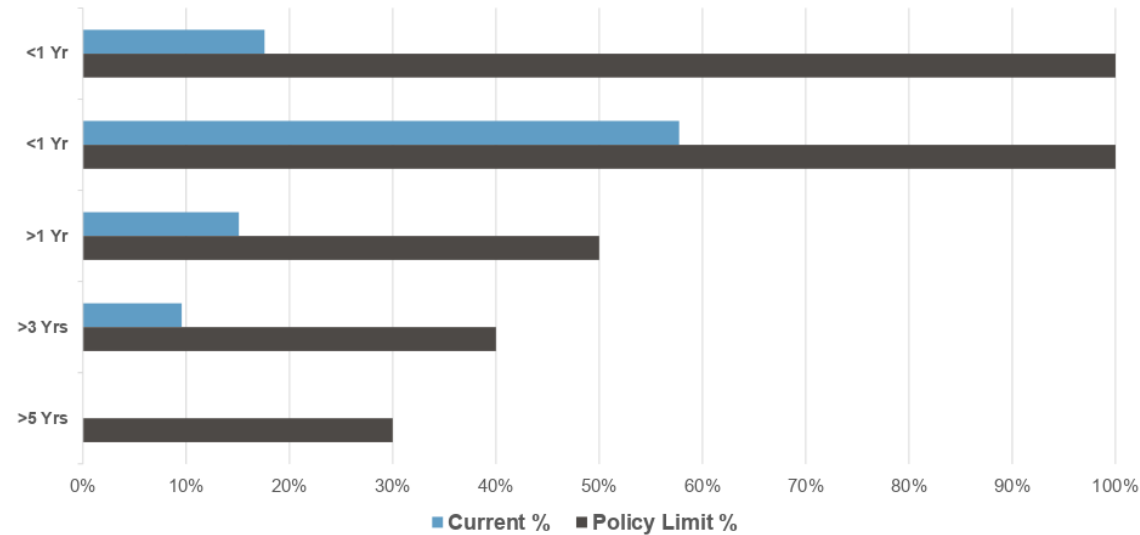
ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENT REPORT - MARCH 2025.


Institution	Rating	Total Investment	Exposure	Policy Limit	Remaining to Limit	Within Policy
AMP Bank	BBB	3,125,733	4%	10%	4,815,742	✓
Arab Bank	NR	3,103,751	4%	10%	4,837,723	✓
Australian Military Bank	BBB	1,033,786	1%	10%	6,907,689	✓
BOC	A	4,722,913	6%	20%	11,160,036	✓
Bank Vic	BBB	3,216,237	4%	10%	4,725,238	✓
CBA - Cash	AA	4,767,143	6%	30%	19,057,280	✓
Coastline Credit Union Limited	BBB	1,054,789	1%	10%	6,886,685	✓
Community First Bank Ltd	BBB	1,004,272	1%	10%	6,937,202	✓
Dnister Credit Co-Op	NR	1,073,899	1%	10%	6,867,576	✓
ING Bank	A	11,696,783	15%	20%	4,186,166	✓
Judo Bank	BBB	1,099,164	1%	10%	6,842,310	✓
MOVE Bank	NR	1,043,599	1%	10%	6,897,876	✓
MyState Bank	BBB	3,037,153	4%	10%	4,904,322	✓
National Australia Bank	AA	9,261,576	12%	30%	14,562,847	✓
Rabobank Australia	A	16,386,294	21%	20%	503,345	*
State Bank of India	BBB	7,735,285	10%	10%	206,189	✓
TCorp Long Term Growth Fund	AA	994,643	1%	30%	22,829,780	✓
TCorp Short Term Income Fund	AA	1,001,921	1%	30%	22,822,502	✓
The Mutual Bank	BBB	1,007,101	1%	10%	6,934,373	✓
Warwick Credit Union Ltd	NR	2,031,912	3%	10%	5,909,562	✓
Westpac	AA	1,016,790	1%	30%	22,807,633	✓
Total		79,414,744				

✓ = Yes

* = No

Term to Maturity Limits



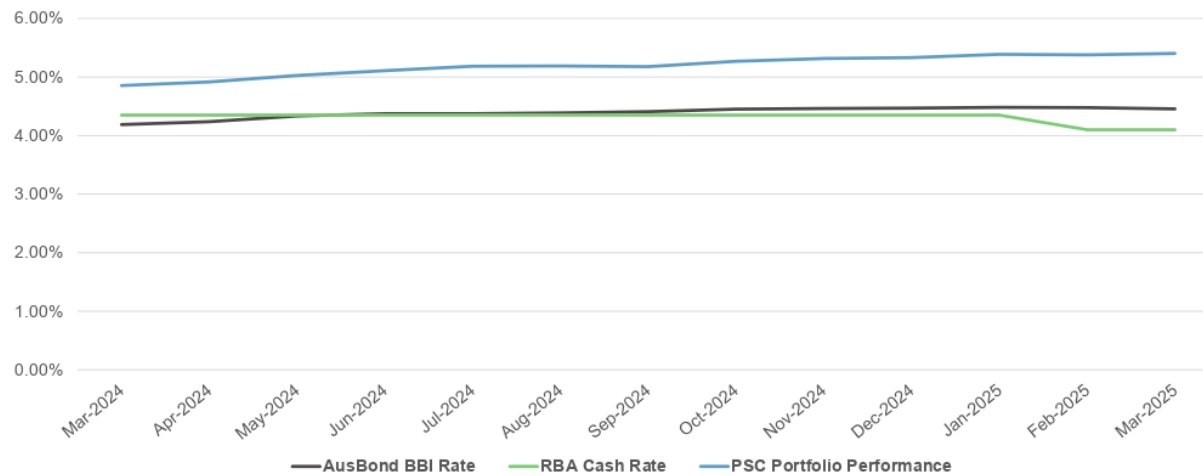
Detailed Maturity Profile	Market Value (\$)	Current %	Policy Limit %	Within Policy
Less than or equal 90 Days	13,970,039	18%	100%	✓
Between 90 Days and 365 Days	45,853,765	58%	100%	✓
Between 366 Days and 3 Years	11,990,482	15%	50%	✓
Between 3 Years and 5 Years	7,600,459	10%	40%	✓
Greater than 5 Years	-	0%	30%	✓
	79,414,744	100%		

✓ = Yes

* = No

Portfolio Performance

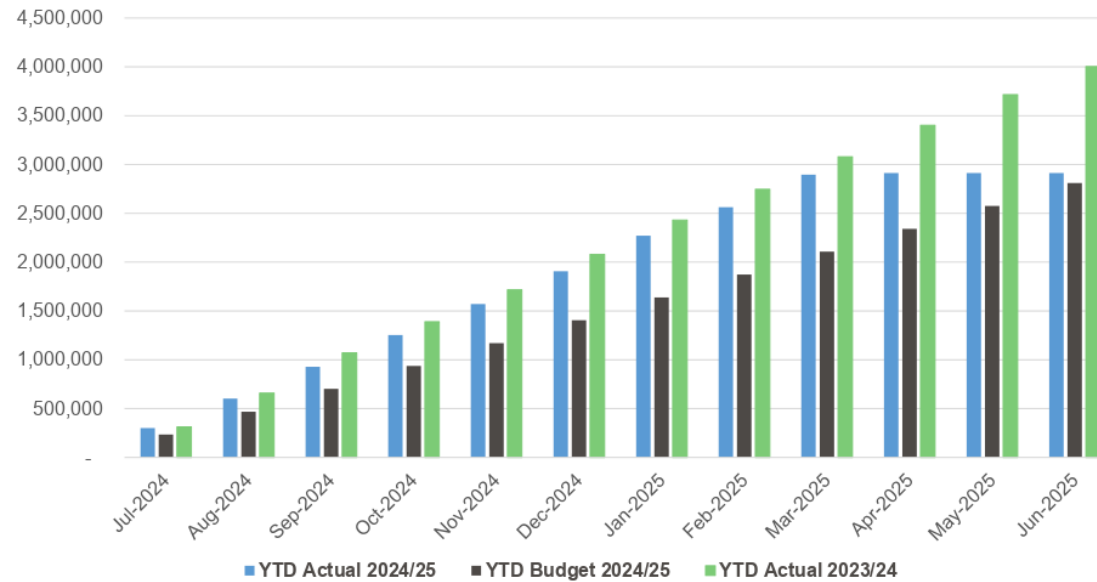
One Year Rolling Performance



Performance	1 month actual	3 months actual	6 months actual	FYTD actual	1 year % p.a. (Rolling)
Bloomberg AusBond BBI (Benchmark)	0.35%	1.07%	2.20%	3.34%	4.46%
PSC Investment Portfolio	0.45%	1.34%	2.66%	4.00%	5.40%
Outperformance/(underperformance)	0.10%	0.27%	0.46%	0.66%	0.95%

Income Earned vs Budget

Monthly Investment Income - Actual to Budget



Investment Register

Institution	Market Value	Days Held	Interest Rate	Date Invested	Maturity Date	Rating
CBA - Cash	4,767,143	1		31/03/2025	1/04/2025	AA
AMP Bank	1,046,986	732	5.00%	20/04/2023	21/04/2025	BBB
AMP Bank	1,044,658	727	5.00%	9/05/2023	5/05/2025	BBB
Rabobank Australia	1,032,074	272	5.09%	13/08/2024	12/05/2025	A
MyState Bank	1,016,699	171	5.30%	6/12/2024	26/05/2025	BBB
MOVE Bank	1,043,599	731	5.15%	26/05/2023	26/05/2025	NR
Arab Bank	1,018,450	559	5.52%	29/11/2023	10/06/2025	NR
ING Bank	1,003,866	479	5.04%	1/03/2024	23/06/2025	A
National Australia Bank	1,041,512	368	5.47%	27/06/2024	30/06/2025	AA
Judo Bank	1,099,164	733	5.70%	5/07/2023	7/07/2025	BBB
MyState Bank	1,003,773	497	5.10%	4/03/2024	14/07/2025	BBB
AMP Bank	1,034,089	725	5.25%	3/08/2023	28/07/2025	BBB
Australian Military Bank	1,033,786	726	5.27%	9/08/2023	4/08/2025	BBB
National Australia Bank	1,031,718	354	5.10%	16/08/2024	5/08/2025	AA
National Australia Bank	1,031,948	363	5.07%	13/08/2024	11/08/2025	AA
ING Bank	1,034,123	734	5.30%	8/08/2023	11/08/2025	A
BOC	1,080,938	717	5.12%	1/09/2023	18/08/2025	A
BOC	1,080,938	724	5.12%	1/09/2023	25/08/2025	A
National Australia Bank	2,058,006	367	4.97%	30/08/2024	1/09/2025	AA
State Bank of India	1,030,041	369	5.10%	28/08/2024	1/09/2025	BBB
Dnister Credit Co-Op	1,073,899	647	5.55%	1/12/2023	8/09/2025	NR
National Australia Bank	1,027,149	364	4.93%	11/09/2024	10/09/2025	AA
Rabobank Australia	3,085,890	377	5.00%	3/09/2024	15/09/2025	A
Arab Bank	1,074,298	661	5.58%	1/12/2023	22/09/2025	NR
National Australia Bank	1,027,149	377	4.93%	11/09/2024	23/09/2025	AA
National Australia Bank	1,027,149	384	4.93%	11/09/2024	30/09/2025	AA
Community First Bank Ltd	1,004,272	586	5.03%	29/02/2024	7/10/2025	BBB
ING Bank	1,022,876	369	5.03%	16/10/2024	20/10/2025	A
Bank Vic	1,071,901	696	5.40%	1/12/2023	27/10/2025	BBB
Bank Vic	1,072,168	703	5.42%	1/12/2023	3/11/2025	BBB
Bank Vic	1,072,168	717	5.42%	1/12/2023	17/11/2025	BBB
National Australia Bank	1,016,946	362	5.07%	29/11/2024	26/11/2025	AA
Westpac	1,016,790	538	5.15%	11/06/2024	1/12/2025	AA
MyState Bank	1,016,682	370	5.16%	3/12/2024	8/12/2025	BBB
Coastline Credit Union Limited	1,054,789	655	5.05%	29/02/2024	15/12/2025	BBB
Warwick Credit Union Ltd	1,015,529	375	5.20%	12/12/2024	22/12/2025	NR
Warwick Credit Union Ltd	1,016,384	381	5.20%	6/12/2024	22/12/2025	NR
Arab Bank	1,011,003	733	5.02%	10/01/2024	12/01/2026	NR
State Bank of India	1,032,170	530	5.15%	15/08/2024	27/01/2026	BBB
Rabobank Australia	1,043,253	601	5.28%	5/06/2024	27/01/2026	A
BOC	1,008,156	369	4.88%	29/01/2025	2/02/2026	A
Rabobank Australia	1,041,040	607	5.13%	12/06/2024	9/02/2026	A
BOC	503,632	377	4.82%	4/02/2025	16/02/2026	A
ING Bank	1,040,239	602	5.38%	1/07/2024	23/02/2026	A
State Bank of India	1,029,452	545	5.00%	28/08/2024	24/02/2026	BBB
State Bank of India	507,841	444	5.30%	13/12/2024	2/03/2026	BBB
TCorp Short Term Income Fund	1,001,921	365		7/03/2025	7/03/2026	AA
ING Bank	1,040,239	616	5.38%	1/07/2024	9/03/2026	A
Rabobank Australia	1,534,926	521	4.97%	11/10/2024	16/03/2026	A
State Bank of India	1,040,082	623	5.50%	8/07/2024	23/03/2026	BBB
Rabobank Australia	765,658	514	5.08%	1/11/2024	30/03/2026	A
State Bank of India	1,040,082	637	5.50%	8/07/2024	6/04/2026	BBB
Rabobank Australia	765,658	528	5.08%	1/11/2024	13/04/2026	A
State Bank of India	1,040,082	651	5.50%	8/07/2024	20/04/2026	BBB
BOC	1,049,249	735	5.35%	29/04/2024	4/05/2026	A
Rabobank Australia	1,034,992	661	5.15%	26/07/2024	18/05/2026	A
State Bank of India	1,015,534	535	5.25%	13/12/2024	1/06/2026	BBB
ING Bank	1,003,958	472	4.66%	28/02/2025	15/06/2026	A
ING Bank	1,003,958	486	4.66%	28/02/2025	29/06/2026	A
ING Bank	1,002,410	488	4.63%	12/03/2025	13/07/2026	A
Rabobank Australia	1,003,274	536	4.78%	6/03/2025	24/08/2026	A
ING Bank	1,024,184	733	4.55%	18/09/2024	21/09/2026	A
The Mutual Bank	1,007,101	733	4.80%	5/02/2025	8/02/2027	BBB
Rabobank Australia	1,021,134	1664	5.32%	6/11/2024	28/05/2029	A
Rabobank Australia	509,403	1663	5.28%	21/11/2024	11/06/2029	A
Rabobank Australia	1,020,022	1687	5.22%	11/11/2024	25/06/2029	A
Rabobank Australia	502,455	1680	5.12%	24/02/2025	1/10/2029	A
TCorp Long Term Growth Fund	994,643	1826		8/11/2024	8/11/2029	AA
Rabobank Australia	1,020,038	1825	5.30%	13/11/2024	12/11/2029	A
ING Bank	509,349	1831	5.25%	21/11/2024	26/11/2029	A
ING Bank	502,383	1806	4.97%	24/02/2025	4/02/2030	A
ING Bank	503,580	1825	4.84%	5/02/2025	4/02/2030	A
Rabobank Australia	1,006,478	1831	5.14%	13/02/2025	18/02/2030	A
ING Bank	1,005,616	1840	5.00%	18/02/2025	4/03/2030	A
Total	79,414,744					

Restricted Cash

Reserve	As at March 2025 \$'000
External	
Grants and Contributions	5,593
Developer contributions (inc Haulage)	24,940
Domestic Waste Management	9,888
Crown Reserve	4,490
Crown - Surf Life Saving Clubs	49
Internal	
Deposits, retentions and bonds	1,306
Admin Building	373
Asset Rehab/Reseals	3,833
Commercial Property	5,439
Community Buildings	138
Community Loans	200
Council Parking	1,377
Drainage	2,099
Election Reserve	610
Emergency & Natural Disaster	5,313
Employee Leave Entitlements (ELE)	1,000
Enhanced Services Focus Area	762
Federal Assistance Grant in Advance	1,749
Fleet	573
Grants Receivable	1,836
IT	2,223
Mayoral and Ward Funds	33
Other Waste	493
Repealed	1,391
Resilience fund	3,000
Sustainable energy and water reserve	46
Transport and Environmental Levy	777
Unexpended loan funds	-
Total	79,531
Cash and Investment Report	79,415
Variance Cash Reserves to Bank Account	(116)
Variance Due to:	
Outstanding Creditors	-
Outstanding Debtors	(236)
Outstanding GST refund	(332)
Total Variance	(568)
Unrestricted Cash/(Shortfall)	452

ITEM NO. 2

**FILE NO: 25/55997
EDRMS NO: PSC2024-01273**

DESIGNATED PERSONS' RETURN

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Compliance Officer PSC969.
- Compliance Team Leader PSC1175.
- Holiday Parks Section Manager PSC949.

ATTACHMENTS

Nil.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 3

**FILE NO: 25/90580
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

ATTACHMENTS

1) Delegations Report.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
9 April 2025	Clause 178 of the Local Government (General) Regulation 2021	T106-2024 - Tomaree Library and Community Centre Air Conditioning Upgrade	General Manager	13 May 2025
17 April 2025	Clause 178 of the Local Government (General) Regulation 2021	T107-2025 - King Park LED Upgrades Field 4	General Manager	13 May 2025

ITEM NO. 4

**FILE NO: 25/90581
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to inform the Mayor and Councillors of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

ATTACHMENTS

- 1) Community Futures resolutions.
- 2) Corporate Strategy and Support resolutions.
- 3) Facilities and Infrastructure resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 COMMUNITY FUTURES RESOLUTIONS.



Action Sheets Report	Division:	Community Futures	Date From:	25/02/2025
	Committee:		Date To:	08/04/2025
	Officer:		Printed:	Tuesday, 22 April 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Lamont, Brock	Tree Vandalism Policy	31/10/2025	26/02/2025	
1 021		Peart, Steven				25/43931
22 Apr 2025 Consultation has commenced with the Environmental Advisory Group. A report back to Council is anticipated in October 2025.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.


Division:	Corporate Strategy and Support	Date From:	11/02/2022
Committee:		Date To:	08/04/2025
Officer:			
Action Sheets Report		Printed:	Tuesday, 22 April 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/07/2025	12/10/2022	
1		Pattison, Zoe				22/273002
22 Apr 2025						
Further clarification on the distribution of funds has been completed. A report will be provided back to Council in July 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/07/2025	12/10/2022	
2		Pattison, Zoe				22/273002
22 Apr 2025						
Report deferred to allow for further clarification on the distribution of funds. A report will be provided back to Council in July 2025.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pattison, Zoe	22 Homestead Street, Salamander Bay	30/06/2025	12/04/2023	
5		Pattison, Zoe				23/92450
088						
22 Apr 2025						
Council is investigating options for the rezoning of 22 Homestead Street, Salamander Bay, and the development of a Vegetation Management Plan, to provide the best opportunity to enable a successful long-term rehabilitation of the site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/08/2023	Pattison, Zoe	Raymond Terrace Gateway Site Masterplan	31/12/2025		
1		Pattison, Zoe				23/214729
193						
22 Apr 2025						
Following a two way conversation with Councillors in November 2023, the options presented will be included in the context of the broader Raymond Terrace town centre improvements.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2024	Dodds, Melissa	Policy Review: Public Access to State Records after 20 Years Policy	30/07/2025	12/06/2024	
4		Pattison, Zoe				24/145208
22 Apr 2025						
The exhibition period has closed with no formal submissions being received during this time. The policy will go back to Council in July 2025.						

ITEM 4 - ATTACHMENT 2 CORPORATE STRATEGY AND SUPPORT RESOLUTIONS.

Action Sheets Report	Division:	Corporate Strategy and Support	Date From:	11/02/2022
	Committee:		Date To:	08/04/2025
	Officer:		Printed: Tuesday, 22 April 2025	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/04/2025	Peterkin, Glen	Policy Review: Community Group Loans Policy	30/06/2025	9/04/2025	
2 077		Pattison, Zoe				25/88314
22 Apr 2025 On 8 April 2025, Council resolved to defer the revised Community Group Loans Policy to allow for further discussion with the Mayor and Councillors. A further report will be provided back to Council.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.



Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	08/04/2025
	Officer:		Printed:	Tuesday, 22 April 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
243	Ordinary Council 27/08/2013	Maretich, John Kable, Gregory	Campvale Drain	30/06/2025		
22 Apr 2025 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
2085	Ordinary Council 11/04/2023	Maretich, John Kable, Gregory	Naming Recreation Precinct at Medowie after Geoff Dingle	30/06/2025	12/04/2023	23/92450
22 Apr 2025 Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
1	Ordinary Council 28/11/2023	Maretich, John Kable, Gregory	Sale of closed roads in Raymond Terrace	30/06/2025	29/11/2023	23/324875
22 Apr 2025 1 road sold and in settlement stage. 1 road moved to closed road reserve. An Expression of Interest (EOI) for the remaining road is near completion.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
1	Ordinary Council 28/05/2024	Maretich, John Kable, Gregory	Bus Stop Infrastructure Plan	30/06/2025	29/05/2024	24/131056
22 Apr 2025 Staff are continuing to review the bus stop infrastructure.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
2	Ordinary Council 9/07/2024	Maretich, John Kable, Gregory	Maintenance of Gravel Roads	30/06/2025	10/07/2024	24/176219
22 Apr 2025 A two way has been scheduled for 17 June 2025.						

ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE RESOLUTIONS.


Division:	Facilities and Infrastructure	Date From:	27/08/2013
Committee:		Date To:	08/04/2025
Officer:		Printed:	Tuesday, 22 April 2025
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2024	Maretich, John	Raymond Terrace Boat Ramp	31/12/2025	24/07/2024	
6		Kable, Gregory				24/189773
22 Apr 2025						
A two-way conversation and a report will be provided to Council once funding opportunities are available that will help determine the scope of works.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2024	Donaldson, Cameron	Renewal of Lease - 49 William Street, Raymond Terrace	30/06/2025	13/11/2024	
1		Kable, Gregory				24/307858
128						
22 Apr 2025						
The draft lease has been forwarded to Best & Less. Council is awaiting a response.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2024	Maretich, John	Bus Shelters in Port Stephens	31/07/2025	11/12/2024	
1		Kable, Gregory				24/333356
22 Apr 2025						
Public exhibition for the Bus Shelter Policy has now been completed. Once the policy has been adopted, staff will proceed with an expression of interest.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2025	Maretich, John	Fern Bay Shared Pathways	31/05/2025	26/02/2025	
3		Kable, Gregory				25/43931
027						
22 Apr 2025						
Proposed works have been accepted and are being scheduled.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/04/2025	Maretich, John	Policy Review - Provision and Management of Cemeteries	31/07/2025	9/04/2025	
3		Kable, Gregory				25/88314
078						
22 Apr 2025						
The policy has been deferred until the Ordinary Council meeting to be held on 24 June 2025. Further conversations with Councillors have been scheduled.						

**ITEM 4 - ATTACHMENT 3 FACILITIES AND INFRASTRUCTURE
RESOLUTIONS.**

Action Sheets Report	Division:	Facilities and Infrastructure	Date From:	27/08/2013
	Committee:		Date To:	08/04/2025
	Officer:		Printed:	Tuesday, 22 April 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/04/2025	Donaldson, Cameron	Policy Review - Commercial Operators Policy	27/06/2025	9/04/2025	
4 079		Kable, Gregory				25/88314
22 Apr 2025						
As per Council resolution, the Commercial Operators Policy has been placed on public exhibition for 28 days.						



Action Sheets Report	Division:	General Manager's Office	Date From:	22/10/2024
	Committee:		Date To:	08/04/2025
	Officer:		Printed:	Tuesday, 22 April 2025

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/10/2024	Wickham, Tony	Council Meetings	22/10/2025	24/10/2024	
2		Crosdale, Timothy				24/288938
22 Apr 2025						
Current meeting schedule to remain in place for 12 months with a report to be returned to Council seeking Council's views on meeting schedules going forward.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/11/2024	Wickham, Tony	Local Government Week Council Meetings	12/08/2025	27/11/2024	
5		Crosdale, Timothy				24/318827
22 Apr 2025						
Karuah Community Hall has been booked for the 12 August 2025 Council meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/03/2025	Wickham, Tony	Initiation of a Proposal to Alter the Port Stephens Local Government Boundaries	30/06/2025	26/03/2025	
4		Crosdale, Timothy				25/73848
063						
22 Apr 2025						
Correspondence has been forwarded to the neighbouring Councils and a Two Way Conversation will be scheduled.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/04/2025	Wickham, Tony	Policy Review - Grants and Donations Policy	14/05/2025	9/04/2025	
5		Crosdale, Timothy				25/88314
080						
22 Apr 2025						
Policy is on public exhibition until 9 May 2025.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 25/90397

EDRMS NO: PSC2024-03148

COUNCIL MEETING CYCLE

COUNCILLOR: PAUL LE MOTTEE

THAT COUNCIL:

- 1) Amend its current Ordinary Council meeting cycle to 1 meeting per calendar month with the exception of January, where no meetings would be held in January.
- 2) The new meeting cycle to take effect from July 2025 and meeting to take place on the 4th Tuesday of each month commencing at 5:30pm, at 116 Adelaide Street, Raymond Terrace, except where resolved to be held at an alternate location.
- 3) Amend the Code of Meeting Practice as follows and place the Code of Meeting Practice on public exhibition for 42 days:

“3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council’s website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. The business paper will be published on the Council website by 10am 8 calendar days prior to the Council meeting.”

“3.7 The General Manager must send to each Councillor, at least by close of business on the second Friday of each month where meetings are held (with the exception of where an ordinary meeting occurs on a public holiday), a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. Where an ordinary meeting occurs on a public holiday a notice is to be sent to the Mayor and each Councillor 11 calendar days prior to the meeting.”

ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION

016	<p>Mayor Leah Anderson Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) In accordance with clause 3.1 of the Code of Meeting Practice, amend the Ordinary Council meeting cycle to 1 meeting per calendar month with the exception of January, where no meetings would be held in January.2) Council meetings are to take place on the 4th Tuesday of each month (except for December where the meeting will be held on the 2nd Tuesday) commencing at 5:30pm, at 116 Adelaide Street, Raymond Terrace.3) Council may resolve to hold Council meetings at alternate locations for special occasions, such as local government week.4) The business paper be released to the Mayor and Councillors 3 working days after the previous Ordinary Council meeting, with the exception of the February Ordinary Council meeting where the business paper is to be released 3 days after the 4th Tuesday of January.5) The business paper is to be published on the Council website by 10am on the Monday following the release of the business paper to the Mayor and Councillors.6) The last Ordinary Council meeting of the Council term be held in August of the fourth year of the term.7) Public Access be held on the 2nd Tuesday of each month.8) Applications for Public Access applications on the 4th Tuesday will be at the discretion of the Mayor.9) Public Access is to be held prior to the Ordinary Council meeting in December.10) The limit of 12 Public Access speakers be removed.11) Councillor attendance at Public Access session be recorded.12) Amend the Code of Meeting Practice as outlined above and report the draft Code of Meeting Practice to an Ordinary Council meeting for consideration.
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Crs Giacomo Arnott and Peter Francis.

The motion was carried.

ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION

017	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Cr Arnott be granted an extension of 2 minutes to speak.
------------	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Ben Niland left the meeting at 07:39pm.

ORDINARY COUNCIL MEETING - 13 MAY 2025
AMENDMENT

	Councillor Giacomo Arnott Councillor Peter Francis That Council defer this item, to allow for the following to occur: <ol style="list-style-type: none">1) Consultation with the Communications and Engagement Advisory Group, and2) A survey to be sent out to the community seeking their views on whether Council should continue with fortnightly meetings, or move to a model with monthly meetings on the fourth Tuesday of each month, plus a public access session on the second Tuesday of each month, or move to a model of Full Committee Meetings plus a public access session on the second Tuesday of each month, with monthly meetings on the fourth Tuesday of each month.3) The survey will go live on Wednesday 14 May 2025, remain open for 3 weeks, and the results of the survey and the minutes of the CEAG will return to the 10 June 2025 Council meeting for further consideration and decision.
--	--

Councillor Ben Niland returned to the meeting at 7:41pm.

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Leah Anderson, Crs Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 13 MAY 2025
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>That Council:</p> <ol style="list-style-type: none">1) In accordance with clause 3.1 of the Code of Meeting Practice, amend the Ordinary Council meeting cycle to 1 meeting per calendar month with the exception of January, where no meetings would be held in January.2) Council meetings are to take place on the 4th Tuesday of each month (except for December where the meeting will be held on the 2nd Tuesday) commencing at 5:30pm, at 116 Adelaide Street, Raymond Terrace.3) Council may resolve to hold Council meetings at alternate locations for special occasions, such as local government week.4) The business paper be released to the Mayor and Councillors 3 working days after the previous Ordinary Council meeting, with the exception of the February Ordinary Council meeting where the business paper is to be released 3 days after the 4th Tuesday of January.5) The business paper is to be published on the Council website by 10am on the Monday following the release of the business paper to the Mayor and Councillors.6) The last Ordinary Council meeting of the Council term be held in August of the fourth year of the term.7) Full Committee meeting and Public Access be held on the 2nd Tuesday of each month.8) Applications for Public Access applications on the 4th Tuesday will be at the discretion of the Mayor.9) Public Access is to be held prior to the Ordinary Council meeting in December.10) The limit of 12 Public Access speakers be removed.11) Councillor attendance at Public Access session be recorded.12) Amend the Code of Meeting Practice as outlined above and report the draft Code of Meeting Practice to an Ordinary Council meeting for consideration.
--	---

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

Those against the Motion: Crs Leah Anderson, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

ORDINARY COUNCIL MEETING - 13 MAY 2025 AMENDMENT

	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>That Council:</p> <ol style="list-style-type: none">1) In accordance with clause 3.1 of the Code of Meeting Practice, amend the Ordinary Council meeting cycle to 1 meeting per calendar month with the exception of January, where no meetings would be held in January - with these arrangements to be in place for a trial period of 6 months. After 4 meetings, Council will send out a survey to residents seeking their views on whether Council should continue with monthly meetings, or return to a model of fortnightly meetings, or introduce committee meetings after public access on the second Tuesday of each month. Council should also seek the views of CEAG on the same questions. At the 6th meeting, the survey results will be presented along with options in line with the survey options.2) Council meetings are to take place on the 4th Tuesday of each month (except for December where the meeting will be held on the 2nd Tuesday) commencing at 5:30pm, at 116 Adelaide Street, Raymond Terrace.3) Council may resolve to hold Council meetings at alternate locations for special occasions, such as local government week.4) The business paper be released to the Mayor and Councillors 3 working days after the previous Ordinary Council meeting, with the exception of the February Ordinary Council meeting where the business paper is to be released 3 days after the 4th Tuesday of January.5) The business paper is to be published on the Council website by 10am on the Monday following the release of the business paper to the Mayor and Councillors.6) The last Ordinary Council meeting of the Council term be held in August of the fourth year of the term.7) Public Access be held on the 2nd Tuesday of each month.8) Applications for Public Access applications on the 4th Tuesday will be at the discretion of the Mayor.9) Public Access is to be held prior to the Ordinary Council meeting in December.10) The limit of 12 Public Access speakers be removed.
--	---

MINUTES ORDINARY COUNCIL - 13 MAY 2025

	<p>11) Councillor attendance at Public Access session be recorded.</p> <p>12) Amend the Code of Meeting Practice as outlined above and report the draft Code of Meeting Practice to an Ordinary Council meeting for consideration.</p>
--	--

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Leah Anderson, Crs Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

Council, at its meeting of 8 April 2025, Minute No. 085, resolved to defer this Notice of Motion for further discussion at a Two Way Conversation (**ATTACHMENT 3**).

Council, at its meeting held on 22 October 2024, Minute No. 198 (**ATTACHMENT 1**), resolved:

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2)
- 3)
- 4)
- 5)

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year (financial year) in different months. Council currently meets on 21 occasions per year. Under the proposed changes associated with the Notice of Motion, Council would meet 11 times per year. Extra-Ordinary Council meetings can be called if required.

Clause 3.1 of the Code of Meeting Practice (the Code) states that the Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Clauses 3.5 and 3.7 of the Code would require amendments as follows:

“3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice

MINUTES ORDINARY COUNCIL - 13 MAY 2025

must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. The business paper will be published on the Council website by 10am 8 calendar days prior to the Council meeting."

"3.7 The General Manager must send to each Councillor, at least by close of business on the second Friday of each month where meetings are held (with the exception of where an ordinary meeting occurs on a public holiday), a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. Where an ordinary meeting occurs on a public holiday a notice is to be sent to each Councillor 11 calendar days prior to the meeting."

The Code of Meeting Practice would be required to be placed on public exhibition for 28 days and allow 42 days in total for submissions to be received.

The proposed meeting structure and Two Way session timetable is shown at **(ATTACHMENT 2)**.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

- 1) Council Minutes - 22 October 2024 - Minute No. 198.
- 2) Council Meeting Cycle.
- 3) Council Minutes - 8 April 2025 - Minute No. 085.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM NO. 2

FILE NO: 24/80235
EDRMS NO: A2004-0372**COUNCIL MEETINGS**REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt Option 2 as shown in **(ATTACHMENT 1)** for Ordinary Council meetings for the term of this Council.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

	<p>Mayor Leah Anderson Councillor Jason Wells</p> <p>That Council:</p> <ol style="list-style-type: none">1) Adopt Option 2 as shown in (ATTACHMENT 1) for Ordinary Council meetings for the term of this Council.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.
--	--

Those for the Motion: Mayor Leah Anderson, Crs Nathan Errington and Jason Wells.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

The motion was lost.

Cr Watson introduced the following amendment, which was not accepted by the mover and seconder:

"Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	<p>Councillor Mark Watson Councillor Chris Doohan</p> <p>That Council:</p> <ol style="list-style-type: none">1) Adopt Option 2 as shown in (ATTACHMENT 1) for Ordinary Council meetings for the term of this Council.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows: <p>"Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"</p>
--	--

Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis and Jason Wells.

The amendment was carried.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Cr Arnott gave notice of the following foreshadowed amendment.

That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:

"The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council."

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:</p> <p>The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council.</p>
--	--

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

Cr Arnott gave notice of the following foreshadowed motion.

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION**

198	<p>Councillor Giacomo Arnott Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows: <p>"Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"</p>
------------	---

Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Peter Francis and Jason Wells.

The motion was carried.

BACKGROUND

The purpose of this report is to allow Council to set its future Council meeting cycle, adopt the Order of Business, the Prayer and Acknowledgement of Country.

The Code of Meeting Practice places a strong emphasis on Council meetings being conducted in an effective and efficient manner. To this end, the previous Council term met on the 2nd and 4th Tuesday of each month commencing at 5:30pm at 116 Adelaide Street, Raymond Terrace.

The current cycle of Council meetings, public access, inspections and two way conversation sessions is shown at **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

In reviewing the Council meeting cycle, 27 Councils were benchmarked with 23 conducting monthly Council meetings and 4 with a fortnightly meeting cycle (note: 1 of the 4 councils will recommend moving to monthly meetings in this term). Most of the benchmarked councils break for a recess in January.

ORDER OF BUSINESS

The proposed Order of Business is below:

- 1) Opening meeting
- 2) Acknowledgement of Country
- 3) Prayer
- 4) Apologies and applications for a leave of absence from Mayor and Councillors
- 5) Disclosures of interests
- 6) Confirmation of minutes
- 7) Mayoral minute(s)*
- 8) Motions to close meeting to the public*
- 9) Reports to Council
- 10) General Manager reports*
- 11) Questions with Notice*
- 12) Questions on Notice
- 13) Notices of motions*
- 14) Rescission Motions*
- 15) Confidential matters*
- 16) Conclusion of the meeting

**if submitted*

As part of the Order of Business, Council includes the Acknowledgement of the Worimi People of Port Stephens and the prayer, as follows:

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together."

PRAYER

"We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith."

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided within the existing budget, based on the current meeting cycle.

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implications would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year in different months. Based on the recommended frequency, Council would meet on 11 occasions.

Clause 3.1 of the Code of Meeting Practice (the Code) requires Council, by resolution, to set the frequency, time, date, and place of its ordinary meetings.

Clause 8.1 of the Code requires Council to fix the general order of business for its meetings of the Council.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993 if it failed to meet at least 10 times a year.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- General Manager.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Council meeting cycle options.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

WEEK	OPTION 1 Current meeting cycle	OPTION 2 Recommended
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 6.30pm 2-way conversation program
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	4.00 to 6.30pm 2-way conversation program Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

ITEM 1 - ATTACHMENT 2 COUNCIL MEETING CYCLE.

WEEK	Current meeting cycle	Proposed
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30 to 6.30pm 2-way conversation program, if required
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	Commence at 4.30pm 2-way conversation program Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30 to 5.00pm 2-way conversation program, if required 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

MINUTES ORDINARY COUNCIL - 8 APRIL 2025

NOTICE OF MOTION

ITEM NO. 1 FILE NO: 25/71974
EDRMS NO: PSC2024-03148

COUNCIL MEETING CYCLE

COUNCILLOR: PAUL LE MOTTEE

THAT COUNCIL:

- 1) Amend its current Ordinary Council meeting cycle to 1 meeting per calendar month with the exception of January, where no meetings would be held in January.
- 2) The new meeting cycle to take effect from July 2025 and meeting to take place on the 4th Tuesday of each month commencing at 5:30pm, at 116 Adelaide Street, Raymond Terrace, except where resolved to be held at an alternate location.
- 3) Amend the Code of Meeting Practice as follows and place the Code of Meeting Practice on public exhibition for 42 days:

“3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council’s website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. The business paper will be published on the Council website by 10am 8 calendar days prior to the Council meeting.”

“3.7 The General Manager must send to each Councillor, at least by close of business on the second Friday of each month where meetings are held (with the exception of where an ordinary meeting occurs on a public holiday), a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. Where an ordinary meeting occurs on a public holiday a notice is to be sent to the Mayor and each Councillor 11 calendar days prior to the meeting.”

ORDINARY COUNCIL MEETING - 8 APRIL 2025
MOTION

085	<p>Councillor Paul Le Mottee Councillor Mark Watson</p> <p>It was resolved that Council defer the Council Meeting Cycle Notice of Motion for further discussion at a Two Way Conversation.</p>
-----	--

MINUTES ORDINARY COUNCIL - 8 APRIL 2025

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Amott, Chris Doohan, Nathan Errington, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER**BACKGROUND**

Council at its meeting held on 22 October 2024, Minute No. 198 (**ATTACHMENT 1**), resolved:

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2)
- 3)
- 4)
- 5)

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year (financial year) in different months. Council currently meets on 21 occasions per year. Under the proposed changes associated with the Notice of Motion, Council would meet 11 times per year. Extra-Ordinary Council meetings can be called if required.

Clause 3.1 of the Code of Meeting Practice (the Code) states that the Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Clauses 3.5 and 3.7 of the Code would require amendments as follows:

“3.5 For the purposes of clause 3.4, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council’s website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible. The business paper will be published on the Council website by 10am 8 calendar days prior to the Council meeting.”

“3.7 The General Manager must send to each Councillor, at least by close of business on the second Friday of each month where meetings are held (with the exception of where an ordinary meeting occurs on a public holiday), a notice specifying the time, date and place at which the meeting is to be held, and the

MINUTES ORDINARY COUNCIL - 8 APRIL 2025

business proposed to be considered at the meeting. Where an ordinary meeting occurs on a public holiday a notice is to be sent to each Councillor 11 calendar days prior to the meeting.”

The Code of Meeting Practice would be required to be placed on public exhibition for 28 days and allow 42 days in total for submissions to be received.

The proposed meeting structure and Two Way session timetable is shown at **(ATTACHMENT 2)**.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

- 1) Council Minutes extract 22 October 2024 - Minute No. 198.
- 2) Council meeting cycle.

MINUTES ORDINARY COUNCIL - 8 APRIL 2025**ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024
- MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ITEM NO. 2****FILE NO: 24/80235
EDRMS NO: A2004-0372****COUNCIL MEETINGS****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
DIRECTORATE: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt Option 2 as shown in **(ATTACHMENT 1)** for Ordinary Council meetings for the term of this Council.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
MOTION****Mayor Leah Anderson
Councillor Jason Wells**

That Council:

- 1) Adopt Option 2 as shown in **(ATTACHMENT 1)** for Ordinary Council meetings for the term of this Council.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

Those for the Motion: Mayor Leah Anderson, Crs Nathan Errington and Jason Wells.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Chris Doohan, Peter Francis, Paul Le Mottee, Ben Niland and Mark Watson.

ITEM 1 - ATTACHMENT 3 COUNCIL MINUTES - 8 APRIL 2025 - MINUTE NO. 085.**MINUTES ORDINARY COUNCIL - 8 APRIL 2025****ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024 - MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

The motion was lost.

Cr Watson introduced the following amendment, which was not accepted by the mover and seconder:

"Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	Councillor Mark Watson Councillor Chris Doohan That Council: <ol style="list-style-type: none">1) Adopt Option 2 as shown in (ATTACHMENT 1) for Ordinary Council meetings for the term of this Council.2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows: "Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"
--	---

Those for the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis and Jason Wells.

The amendment was carried.

MINUTES ORDINARY COUNCIL - 8 APRIL 2025**ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024
- MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

Cr Arnott gave notice of the following foreshadowed amendment.

That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads:

"The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council."

**ORDINARY COUNCIL MEETING - 22 OCTOBER 2024
AMENDMENT**

	Councillor Giacomo Arnott Councillor Peter Francis That Council remove the words "prayer and" from point 5, with a point 6 to be added which reads: The General Manager will invite a faith leader to the Council on the date of each Council meeting, to lead a private prayer at 5:20pm for any Councillor who wishes to do so, in a meeting room of Council.
--	--

Those for the Motion: Crs Rosalyn Armstrong, Giacomo Arnott and Peter Francis.

Those against the Motion: Mayor Leah Anderson, Crs Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

The amendment was lost.

Cr Arnott gave notice of the following foreshadowed motion.

That Council:

- 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward.
- 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

MINUTES ORDINARY COUNCIL - 8 APRIL 2025**ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024 - MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****ORDINARY COUNCIL MEETING - 22 OCTOBER 2024****MOTION**

198	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council: 1) Adopt Option 1 as shown in attachment 1 for Ordinary Council meetings for a period of 12 months, with a report to be returned to Council seeking the Council's views on meeting schedules going forward. 2) Meet on the fourth Tuesday of each month commencing at 5:30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace. 3) Not hold Ordinary Council meetings in January each year and only hold an Ordinary Council meeting on the second Tuesday in December each year. 4) Adopt the Order of Business as detailed in this report. 5) Adopt the Acknowledgement of Country as detailed in this report and the prayer as follows: "Almighty God, we ask for your blessing as we meet together on behalf of our community. So that today and into the future, you would direct and favour our deliberations to advance the welfare, safety and prosperity of our region. Amen"
------------	--

Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Nathan Errington, Paul Le Mottee, Ben Niland and Mark Watson.

Those against the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Peter Francis and Jason Wells.

The motion was carried.

BACKGROUND

The purpose of this report is to allow Council to set its future Council meeting cycle, adopt the Order of Business, the Prayer and Acknowledgement of Country.

The Code of Meeting Practice places a strong emphasis on Council meetings being conducted in an effective and efficient manner. To this end, the previous Council term met on the 2nd and 4th Tuesday of each month commencing at 5:30pm at 116 Adelaide Street, Raymond Terrace.

The current cycle of Council meetings, public access, inspections and two way conversation sessions is shown at (**ATTACHMENT 1**).

MINUTES ORDINARY COUNCIL - 8 APRIL 2025**ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024
- MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024**

In reviewing the Council meeting cycle, 27 Councils were benchmarked with 23 conducting monthly Council meetings and 4 with a fortnightly meeting cycle (note: 1 of the 4 councils will recommend moving to monthly meetings in this term). Most of the benchmarked councils break for a recess in January.

ORDER OF BUSINESS

The proposed Order of Business is below:

- 1) Opening meeting
- 2) Acknowledgement of Country
- 3) Prayer
- 4) Apologies and applications for a leave of absence from Mayor and Councillors
- 5) Disclosures of interests
- 6) Confirmation of minutes
- 7) Mayoral minute(s)*
- 8) Motions to close meeting to the public*
- 9) Reports to Council
- 10) General Manager reports*
- 11) Questions with Notice*
- 12) Questions on Notice
- 13) Notices of motions*
- 14) Rescission Motions*
- 15) Confidential matters*
- 16) Conclusion of the meeting

**if submitted*

As part of the Order of Business, Council includes the Acknowledgement of the Worimi People of Port Stephens and the prayer, as follows:

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together."

PRAYER

"We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith."

MINUTES ORDINARY COUNCIL - 8 APRIL 2025**ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024 - MINUTE NO. 198.****MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024****COMMUNITY STRATEGIC PLAN**

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided within the existing budget, based on the current meeting cycle.

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implications would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year in different months. Based on the recommended frequency, Council would meet on 11 occasions.

Clause 3.1 of the Code of Meeting Practice (the Code) requires Council, by resolution, to set the frequency, time, date, and place of its ordinary meetings.

Clause 8.1 of the Code requires Council to fix the general order of business for its meetings of the Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993 if it failed to meet at least 10 times a year.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- General Manager.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Council meeting cycle options.

COUNCILLORS' ROOM/DASHBOARD

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 13 MAY 2025

ITEM 1 - ATTACHMENT 3 COUNCIL MINUTES - 8 APRIL 2025 - MINUTE NO. 085.

MINUTES ORDINARY COUNCIL - 8 APRIL 2025

ITEM 1 - ATTACHMENT 1 COUNCIL MINUTES EXTRACT 22 OCTOBER 2024
- MINUTE NO. 198.

MINUTES ORDINARY COUNCIL - 22 OCTOBER 2024

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING CYCLE OPTIONS.

WEEK	OPTION 1 Current meeting cycle	OPTION 2 Recommended
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 6.30pm 2-way conversation program
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	4.00 to 6.30pm 2-way conversation program Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

MINUTES ORDINARY COUNCIL - 13 MAY 2025

ITEM 1 - ATTACHMENT 3 COUNCIL MINUTES - 8 APRIL 2025 - MINUTE NO. 085.

MINUTES ORDINARY COUNCIL - 8 APRIL 2025

ITEM 1 - ATTACHMENT 2 COUNCIL MEETING CYCLE.

WEEK	Current meeting cycle	Proposed
1	No meetings or inspections	No meetings or inspections
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30 to 6.30pm 2-way conversation program, if required
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	Commence at 4.30pm 2-way conversation program Presentations and Workshops as required.
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.30 to 5.00pm 2-way conversation program, if required 5.30pm Public Access, if required followed by Ordinary Council Meeting
5	No meetings or inspections	No meetings or inspections

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 13 MAY 2025 MOTION

018	Councillor Ben Niland Councillor Jason Wells It was resolved that Council move into confidential session.
------------	---

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

The following Council officer was present for the Confidential Session:

Executive Administration Coordinator

ITEM NO. 1**FILE NO: 25/93962
EDRMS NO: PSC2008-3848****WILLIAMTOWN SAND SYNDICATE - PROPOSED LEASE FOR ACCESS****REPORT OF: ZOE PATTISON - DIRECTOR CORPORATE STRATEGY AND
SUPPORT****DIRECTORATE: CORPORATE STRATEGY AND SUPPORT****ORDINARY COUNCIL MEETING - 13 MAY 2025
MOTION**

019	Councillor Ben Niland Councillor Peter Francis It was resolved that Council: <ol style="list-style-type: none">1) Support the proposed Lease for Williamtown Sand Syndicate for access via 398 Cabbage Tree Road, Williamtown for sand quarrying on 442 Cabbage Tree Road, Williamtown.2) Authorise the General Manager to negotiate variations to Lease conditions, as required, excluding a reduction in the Base Rent as outlined in the body of this report.3) Authorise the Mayor and General Manager to sign all documents necessary to complete the Lease to access via 398 Cabbage Tree Road, Williamtown for sand quarrying on 442 Cabbage Tree Road, Williamtown as Council's authorised representatives.4) Authorise the General Manager to provide land owners consent for Williamtown Sand Syndicate to obtain the required modifications and statutory approvals.5) Once the lease concludes, Council will proactively release a copy of the Lease via the Council website as a proactive information release.
------------	---

Cr Arnott requested the inclusion of item 5 in the motion. The mover and seconder accepted the request.

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 13 MAY 2025
MOTION

020	Councillor Mark Watson Councillor Jason Wells It was resolved that Council move out of confidential session.
------------	--

Those for the Motion: Mayor Leah Anderson, Crs Rosalyn Armstrong, Giacomo Arnott, Peter Francis, Paul Le Mottee, Ben Niland, Mark Watson and Jason Wells.

Those against the Motion: Nil.

There being no further business the meeting closed at 8:40pm.